

L A W S

OF THE

TERRITORY OF THE UNITED STATES

NORTH-WEST OF THE OHIO

Adopted and made by the GOVERNOUR and JUDGES, in their Legislative Capacity, at a Session begun on Friday, the xxix day of May, one thousand, eleven hundred and ninety-five, and ending on Tuesday the twenty fifth day of August following.

WITH AN

A P P E N D I X

OF

RESOLUTIONS

AND THE

ORDINANCE

FOR THE GOVERNMENT OF THE

TERRITORY.

By Authority.

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AN ORDINANCE FOR THE GOVERNMENT OF
THE TERRITORY OF THE UNITED STATES, NORTH-
WEST OF THE RIVER OHIO.

BE IT ORDAINED by the United States in Congress assembled, that the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

N. W. Territory to be one district, but subject to become two.

Be it ordained by the authority aforesaid, that the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals; the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents' share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills

How intestates' estates, real and personal, shall descend.

Dower saved.

Disposition of estates by will, till laws adopted;

B

iv.

and of real estates by deed.

Wills to be proved, and deeds recorded.

How personal property may be transferred:— Saving to certain French descendants their laws & customs, as to the descent and conveyance of real estate.

Governor, for what term to be commissioned — His qualification.

Secretary, for what term commissioned.

His qualification & duties..

in writing, signed and sealed by him or her, in whom the estate may be (being of full age) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale; signed, sealed and delivered by the person being of full age, in whom the estate may be; and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to descent and conveyance of property..

Be it ordained by the authority aforesaid that there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land; while in the exercise of his office.. There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land; while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department;

and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behaviour.

Three Territorial judges:

their power & qualification,

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The gov. and judges to adopt & publish the laws, and report them.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Powers of this governor.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same: after the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall du-

Farther powers of the governor.

Powers and duties of magistrates, how to be regulated & defined.

ring the continuance of this temporary government, be appointed by the governor.

Laws adopted
or made, their
force.

The governor
to lay out coun-
ties and town-
ships, where In-
dian titles ex-
tinguished.

5000 free males
may elect repre-
sentatives to a
gen. assembly ;

In what propor-
tion.

Qualifications
of representa-
tives.

Proviso, for fur-
ther qualificati-

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature,

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly: provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty five, after which the number and proportion of representatives shall be regulated by the legislature ; *Provided* that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same :—*Provided also*, that a freehold in fifty acres of land in the district, having been a citizen of

one of the states, and being resident in the district; or the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

ons of repre-
sentatives :

The representative thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

their term of
service, &c.

The general assembly, or legislature, shall consist of the governor, legislative council and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council, shall be nominated and appointed in the following manner, to wit : as soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and; when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office; the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy; and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names

The general as-
sembly how
composed,

how to be con-
vened.

A council to be
appointed, &c.
and vacancies
to be supplied.

The gov. legislative council and house of representatives to make laws.

Assent of the gov. required to all laws—He may convene, prorogue & dissolve the assembly.

Oaths of fidelity to be taken by officers of government.

Legislative council and representatives to elect a delegate to Congress, and who may debate but not vote.

Preamble towards

the basis of a future government.

to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which for ever hereafter shall be formed in the said territory;—to provide also for the establishment of states, and permanent government therein, and for their admission to a

share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest.

It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and for ever remain unalterable, unless by common consent; to wit:

Clause declaratory of the following articles of compact:

ARTICLE I. No person, demeaning himself in a peateable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Art. 1. For religious liberty.

ART. II. The inhabitants of the said territory shall always be entitled to the benefit of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offences, where the proof shall be evident or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same;—and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Art. 2. Securing the benefit of hab. cor. trial by jury, representation of the people, and proceedings according to the common law. Who shall be bailable.

Fines to be moderate; no cruel or unusual punishments to be inflicted, &c.

No ex post facto laws to be made

Art. 3. Education to be encouraged, and good faith to the Indians observed.

ART. III. Religion, morality and knowledge, being necessary to good government and the happiness of mankind; schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Art. 4. The territory and states to be formed therein, to remain a part of the union;

subject to a proportion of the federal debts.

Not to interfere with the primary disposal of

ART. IV. The said territory, and the states which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alteration therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the

United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and for ever free, as well to the inhabitants of the said Territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost or duty therefor.

the soil by the United States.

U. States lands not to be taxed; nor those of non-residents higher than residents.

Waters declared common highways.

ART. V. There shall be formed in the said Territory, not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of session and consent to the same, shall become fixed and established as follows, to wit: The western state in the said Territory, shall be bounded by the Mississippi, the Ohio and Wabash rivers; a direct line drawn, from the Wabash and Post Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio; by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided however, and it is further understood and declared, that the boundaries of these three

Art. 5 Not less than 3, nor more than 5 states to be formed in the territory.

Their bounds.

Reserving to Congress power to lay off one or two states more.

When 60 000 inhabitants in a state, it shall be admitted into the union.

Proviso. The constitution and government of such new state to be republican.—But an union with the U. S. may be allowed at an earlier period.

states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southernly bend or extreme of lake Michigan: and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states in all respects whatsoever; and shall be at liberty to form a permanent constitution and state government: *provided* the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period; and when there may be a less number of free inhabitants in the state than sixty thousand.

Art. 6. No slavery or involuntary servitude is permitted.

Offenders escaping into other states may be reclaimed.

ART. VI. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: *provided* always, that any person escaping into the same, from whom labour or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.

Resolutions of the 23d April 1784, repealed.

Be it ordained by the authority aforesaid, that the resolutions of the 23d. of April, 1784, relative to the subject of this ordinance, be, and the

same are hereby repealed and declared null and void.

DONE by the United States in Congress assembled, the 13th. day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

CHA. THOMSON, Secy.



L A W S

OF THE

TERRITORY of the UNITED STATES

NORTH-WEST of the OHIO.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW subjecting Real Estate to execution for debt. *Adopted from the Pennsylvanian code, and published at Cincinnati, the first day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **T**O THE END, that no creditors may be defrauded of debts justly due to

them, from persons who have sufficient real, if not personal, estates to satisfy the same; all lands, tenements and hereditaments, whatsoever, where no sufficient personal estate can be found, shall be liable to be seized and sold, upon judgment and execution obtained.

Preamble.

Real estate may be taken in execution for debt, where no personal estate be found:

II, *Provided always*, That when any debt is hereafter recovered, and damages awarded; or when any debt is acknowledged before such as have, or shall have, power to take cognizance thereof, and executions are awarded thereupon, to be levied upon the lands, tenements or hereditaments

But otherwise, where the process will pay debt and costs within 7 years.

of any person or persons, whatsoever; it shall not be lawful for any sheriff, or other officer, by virtue of such executions, or of any writ or writs thereupon, to sell, or expose to sale, any such lands, tenements or hereditaments, which shall or may yield yearly rents or profits, beyond all reprises, sufficient within the space of seven years, to pay, or satisfy such debts or damages, with costs of suit: but all those lands, tenements and hereditaments, shall, by virtue of the writ or writs of execution, be delivered to the party obtaining the same, until the debt or damages be levied by a reasonable extent, in the same manner and method as lands are delivered upon writs of elegit in England.

III. *Provided nevertheless*, That if the clear profits of such lands or tenements shall not be found, by inquest of twelve men, to be sufficient, within seven years, to satisfy the debt or damages in such executions; or, if before the extent be out, any other debts or damages shall be recovered against the same debtor or defendant, his heirs, executors or administrators, which, with what remains due upon such extent, cannot all be satisfied out of the yearly profits of the lands or tenements, so extended within seven years; then, and in every such case, the sheriff or other officer shall, accordingly, certify the same upon the return of such executions: whereupon a writ or writs of venditioni exponas shall issue forth, to sell such lands and tenements, for and towards satisfaction of what shall remain due upon such extent; as also, towards satisfaction of all the rest of the said debts or damages, in manner as is hereinafter directed, concerning the sale of other lands.

If not, then the lands, &c. may be sold.

Duty of the sheriff herein.

IV; It shall and may be lawful for the sheriff,

or other officer, by a writ of *levari facias*, to seize and take all other lands, tenements and hereditaments in execution; and thereupon, with all convenient speed, either with or without any writ of *venditioni exponas*, to make public sale thereof, for the most they will yield; and pay the price or value of the same to the party towards satisfaction of his debt, damages and costs. But before any such sale be made, the sheriff, or other officer, shall cause so many writings to be made upon parchment, or good paper, as the debtor or defendant shall reasonably desire or request; or so many, without such request, as may be sufficient to signify and give notice of such sales or vendues, and of the day and hour when, and the place where the same will be, and what lands or tenements are to be so sold, and where they lie: which notice shall be given to the defendant, and the said parchments or papers fixed by the sheriff, or other officers; in the most public places of the county, at least ten days before sale. And upon such sale, the sheriff, or other officer, shall make return thereof, endorsed or annexed to the said *levari facias*; and give the buyer a deed, duly executed and acknowledged, in court, for what is sold. But in case the said lands and hereditaments, so to be exposed, cannot be sold; then the officer shall make return upon the writ, that he exposed such lands or tenements to sale, and the same remained in his hands unsold, for want of buyers: which return shall not make the officer liable to answer the debt or damages contained in such writ; but the writ of *levari facias* shall, forthwith, be awarded and directed to the proper officer, commanding him to deliver to the party such part or parts of those lands, tenements:

His further duties, before and after sale.

Notice to defendant at least ten days before sale.

Where the estate cannot be sold, for want of buyers; a *levari facias* to issue:

and hereditaments, as shall satisfy his debt, damages and interest, from the time of the judgment given, with costs of suit, according to the valuation of twelve men; to hold to him as his free tenement, in satisfaction of his debt, damages and costs, or so much thereof as those lands, by the valuation thereof, as aforesaid, shall amount unto: and if it fall short, the party may afterwards have execution for the residue against the defendant's body, lands or goods, as the laws of this Territory shall direct and appoint, from time to time, concerning other executions. All which said lands, tenements, hereditaments and premises, so as aforesaid to be sold or delivered by the sheriff, or officer aforesaid, with all their appurtenances, shall or may be quietly and peaceably held and enjoyed by the person or persons, or bodies politic, to whom the same shall be sold or delivered, and by his and their heirs, successors and assigns, as fully and amply, and for such estate and estates, and under such rents and services, as he or they, for whose debt or duty the same shall be sold or delivered, might, could or ought to do, at, or before, the taking thereof in execution.

Except as to defendant's chief seat.

V. *Provided always*, That the messuage, lands or tenements upon which the defendant is chiefly seated, shall not be exposed to sale, before the expiration of one whole year, after judgment is given; to the intent, that the defendant, or any other for him, may redeem the same.

Proceedings in mortgages when default made.

VI. Where default or defaults have been, or shall be, made or suffered by any mortgagor or mortgagors of lands, tenements, or other hereditaments within this Territory; or by his, her or their heirs, executors, administrators and as-

signs, of or in payment of the mortgage-money, or performance of the condition or conditions which they, or any of them, should have paid or performed, or ought to pay or perform, in such manner and form, and according to the purport, tenor and effect of the respective provisoes, conditions or covenants, comprized in their deeds of mortgage or defeazance, and at the days, times and places, in the same deeds, respectively, mentioned and contained; in every such case, it shall and may be lawful to and for the mortgagee or mortgagees, and him, her or them that grant the said deeds of defeazance, and his or their heirs, executors, administrators or assigns, any time after the expiration of twelve months, next ensuing the last day whereon the said mortgage-money ought to be paid, or other conditions performed, as aforesaid; to sue forth a writ or writs of scire facias; which the clerk of the court of common pleas, for the county where the said mortgaged lands or hereditaments lie, is hereby empowered and required to make out and dispatch, directed to the proper officer; requiring him, by honest and lawful men of the neighbourhood, to make known to the mortgagor or mortgagors, his, her or their heirs, executors or administrators, that he or they be and appear before the magistrates, judges or justices of the said court or courts, to shew, if any thing he or they have to say, wherefore the said mortgaged premises ought not to be seized and taken in execution, for payment of the said mortgage-money, with interest; or to satisfy the damages which the plaintiff in such scire facias, shall, upon the record, suggest for the breach or non-performance of the said conditions. And if the defendant in such scire facias appear, he or she may

Mortgagee may
sue out a sci. fa.
within twelve
months after
default.

Defendant may
appear & plead
payment.

On failure, an
inquest, & after-
wards a levari
facias to sell the
premises.

plead satisfaction or payment of part, or all, the mortgage-money, or any other lawful plea, in avoidance of the deed or debt, as the case may require : but if the defendants in such scire facias will not appear on the day whereon the same writ shall be made returnable, (then, if the case be such as damages, only, are to be recovered, an inquest shall be forthwith charged to enquire thereof; and the definitive judgment therein, as well as all other judgments to be given upon such scire facias, shall be entered, that the plaintiff in the scire facias shall have execution, by levari facias, directed to the proper officer : by virtue whereof, the said mortgaged premises shall be taken in execution, and exposed to sale, in manner aforesaid, and, upon sale, conveyed to the buyer or buyers thereof, and the money, or price of the same, rendered to the mortgagee or creditor; but, for want of buyers, to be delivered to the mortgagee or creditor, in manner and form as is herein above directed, concerning other lands and hereditaments to be sold or delivered upon executions, for other debts or damages. And when the said lands and hereditaments shall be sold, or delivered, as aforesaid, the person or persons to whom they shall be sold or delivered, shall and may hold and enjoy the same, with their appurtenances, for such estate or estates as they were sold or delivered, clearly discharged and freed from all equity and benefit of redemption, and all other incumbrances made or suffered by the mortgagors, their heirs or assigns : and such sales shall be available in law : and the respective vendees, mortgagees, or creditors, their heirs and assigns, shall hold and enjoy the same, freed and discharged, as aforesaid. But before such

sales be made, notice shall be given, in writing, in manner and form as is herein' above directed, concerning the sales of lands upon executions ; any law or usage, to the contrary, notwithstanding.

VII. *Provided also*, That when any of the said lands, tenements or hereditaments which, by the direction and authority of this law, are to be sold for the payment of debts and damages, in manner aforesaid; shall be sold for more than will satisfy the same debts, or damages, and reasonable costs; then the sheriff, or other officer who shall make the sale, must render the overplus to the debtor or defendant; and then, and not before, the said officer shall be discharged thereof, upon record, in the same court where he shall make return of his proceedings concerning the said sales.

Sheriff to render overplus money (if any) to the mortgagee, or defendant.

VIII. *Provided also*, That no sale or delivery which shall be made, by virtue of this law, shall be extended to create any further term or estate to the vendees, mortgagees or creditors, than the lands or hereditaments, so sold or delivered, shall appear to be mortgaged for, by the said respective mortgages or defeazible deeds.

No new term or estate to be created by the sale.

IX. *Provided also*, That if any of the said judgments, which do or shall warrant the awarding of the said writs of execution whereupon any lands, tenements or hereditaments, have been or shall be sold, shall, at any time hereafter, be reversed for any error or errors; then, and in every such case, none of the said lands, tenements or hereditaments, so, as aforesaid, taken or sold, or to be taken or sold upon executions, nor any part thereof, shall be restored, nor the sheriff's sale or delivery thereof avoided; but restitution,

If judgment on which execution is awarded, be reversed, for error, the lands &c. sold, not to be restored—but the purchase money to be paid over to the Plt. in error.

in such cases, shall be made only of the money or price for which such lands were or shall be sold,

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW allowing Domestic Attachments. *Adopted from the Pennsylvanian code, and published at Cincinnati, the first day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **T**HE judges and justices of the respective county courts within this Territory, shall and are hereby empowered to grant writs of attachment ; which attachments, so granted, shall be duly served, by the respective sheriffs or coroners, as the case may require, upon the goods and chattels of such person or persons a-

rits of attach-
ment to be
anted by the

gainst whom the same shall be awarded, in whose hands or possession the same shall be found, returnable to the next succeeding court, respectively; where the party may proceed to trial, and shall have judgment granted the third court after the effects are seized. inferior courts.

II. The person or persons, whose goods or effects are so attached, shall be defendant in the attachment; and the person in whose hands, or possession, the same goods or effects are attached, shall be called the garnishee; and shall be obliged to appear in court, at the return of the attachment, and answer what shall be objected against him, and abide the judgment of court; and shall be allowed, out of the effects attached, reasonable satisfaction for his attendance. The garnishee to answer at return of attachment, and be allowed reasonable satisfaction for attending.

III. The manner of executing writs shall be by the officer's going to the house, or to the person in whose hands, or possession, the defendant's goods, or effects, are supposed to be, and then and there declaring, in the presence of one or more credible persons of the neighbourhood, that he attacheth the same goods, or other effects. From and after which declaration, the goods, money or effects, so attached, shall remain in the officer's power, and be by him secured, in order to answer and abide the judgment of court, in that case, unless the garnishee will give security therefor. And if the plaintiff in the attachment obtain a verdict, judgment and execution, for the money and goods in the garnishee's possession; yet the defendant in the attachment may, at any time, before the money be paid, put in bail to the plaintiff's action, upon which the attachment is grounded; whereby the garnishee will and shall be immediately discharged. And if an attachment How the writ shall be executed.

shall be made for goods or effects, and the garnishee plead he had no goods or effects in his hands, at the time of the attachment, or at any time after, and the plaintiff prove the contrary; the jury, in such case, being satisfied that the proof is plain and full, shall find for the plaintiff, and say, what goods or effects they find in the garnishee's hands: whereupon judgment shall be entered, that appraisement may be made of the said goods or effects, so found by the jury; and a precept shall be granted, requiring the sheriff to get the same appraised: and if the garnishee will not produce them, then execution shall be forthwith awarded for the value thereof, according to appraisement, to be levied upon the lands, tenements, goods and chattels of the garnishee.

IV. *Provided always*, That no attachment shall hereafter be granted against any person or persons' effects, but such, only, as, at the time of granting such writs, are not resident or residing within this Territory; or are about to remove or make their escape out of the same, and shall refuse to give sufficient security to the complainant, for his debt or other demand, before he depart the said Territory.

V. *Provided also*, That after judgment obtained by the plaintiff, upon any attachments against non-residents, the plaintiff shall, before sale and after execution is awarded, find security; who shall undertake for the plaintiff, that if the defendant in the attachment shall, within a year and a day next following, by himself, or attorney, come into court, and disprove or avoid the debt recovered by the plaintiff against him, or shall discharge the same, with costs; that then the plaintiff shall restore, to the defendant, the goods

Judgment, how entered, and appraisement to be made.

Precept thereon to the sheriff; and, on failure of garnishee, execution.

No attachment to issue against effects, but where the owner is non-resident, about to escape, or shall refuse to give security.

How plaintiff to proceed, after judgment obtained.

or effects, or value thereof, by the plaintiff attached and condemned, or so much thereof as shall be disproved or discharged; or else they shall and will do it for him.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW regulating Domestic Attachments. *Adopted from the Pennsylvanian code, and published at Cincinnati, the first day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory*

Proceedings against absconding debtors.

Sect. I. IF any person shall absent him or herself out of this Territory, or abscond from his or her usual place of abode (not taking care to satisfy his or her just debts) it shall and may be lawful for any justice of the peace, of the county where such person's estate may be found,

to grant a writ of attachment, for any debt not exceeding the sum of twelve dollars, directed to any constable of the same county, to attach the goods and chattels, or other effects, of such person to answer the creditor: but before the granting any such attachment, the person or persons requesting the same, or some other credible person or persons, for him or them, shall, upon oath or affirmation, declare, that the defendant in such attachment is indebted to the plaintiff, therein named, in a sum not exceeding twelve dollars; and that the defendant is and has been absconded from the place of his usual abode, for the space of six days, with a design to defraud his creditors, as is believed; and that the defendant has not left a clear, fee-simple estate, in lands or tenements within this Territory, sufficient to pay his debts, so far as the plaintiff, or deponent, knows or believes. Which oath, or affirmation, the justice of the peace, that grants such writ, is hereby empowered and required to administer. And if any attachment be granted otherwise, or contrary to the true intent and meaning hereof, the justice of the peace, so granting the same, shall, for every such offence, forfeit the sum of twelve dollars, for the use of him or her that will sue for same.

Further proceedings to be had.

II. As soon as the justice of the peace, before whom the writ of attachment is returnable, accepts the constable's return thereof, the said justice shall immediately appoint two substantial freeholders, to take into their custody all the goods and chattels attached: for which they shall be accountable, until they shall dispose of the same, as hereinafter is directed; and shall, also, forthwith publish his said proceedings, by advertise-

ments, in the most public places, near the late dwelling place of the person so, as aforesaid; absenting; and likewise in one, or more, of the public news-papers within this Territory; appointing the time and place for all the creditors of the person, against whose effects and estate the attachment is granted, to appear, then and there to discover and make proof of their demands: and it, after a full and careful examination, it shall appear, that there is a just debt due to any one person from the said defendant, exceeding the sum of twelve dollars; then, and in every such case, the said justice of the peace, shall no further proceed; but shall deliver and certify to the prothonotary of the court of common pleas, for the same county, the said attachment, and all proceedings thereon had before him: whereupon, it shall and may be lawful, for the justices of the said court, to grant and issue one writ of attachment, only, to the person or persons who obtained the said attachment from the said justice of the peace (if he demand the same) or, if not, then to any other creditor of the defendant, to the sheriff of the same county directed, requiring him to attach all the goods, chattels, rights and credits, lands, tenements and hereditaments of the said defendant, within his bailiwick. By virtue of which writ, the said sheriff shall, together with the residue of the said defendant's real and personal estate in the same county, attach, and take into his custody, all the goods and chattels of the said defendant (or the product of such part of them, as may be sold, according to the direction of this law) then in the hands and possession of the said freeholders, and, upon the return of the said writ of at-

When the debt appears to exceed 12 dollars. Justice of the peace to cease further proceedings, and certify the case up to Common Pleas.

Proceedings of the Common Pleas thereupon;

and of the Sheriff.

tachment, by the said sheriff, the justices of the said court of Common Pleas, and all other persons acting under their authority, shall proceed thereon, in like manner, and shall have the same jurisdiction and powers, for the discovering, selling, collecting, compelling payment of, receiving and distributing the estate, real and personal, of the defendant among his creditors, as they might or could have had, if the said writ of attachment had, according to the laws of this Territory, issued out of the same court.

When one attachment is issued, no second writ of that nature shall be had, till the former be determined on.

III. When any attachment shall be granted by any justice of the peace, or any writ of attachment shall issue out of any inferior court, according to the directions of this law, no second or other attachment, or writ of attachment, granted or issued by the said justice, or any other justice within the same county, or by the justices of the same interior court, against the real or personal estate of the same defendant, or the execution of them, or any of them, shall bind or affect the right, title, interest or property of, or in, the real or personal estate of the same defendant, within the same county, or any part thereof, while the proceedings on the said first attachment, or writ of attachment, remain undetermined : any law, usage or custom, to the contrary, notwithstanding.

When certain chattels, or perishable goods are attached, they may be sold, within ten days.

Proceedings herein,

IV. When the said justice of the peace shall accept of the return of an attachment, from the constable, as above directed ; if it shall appear to the same justice, that any cattle or other chattels, necessary to be maintained at expense, or any perishable goods, have been attached, by virtue of the same attachment ; it shall and may be lawful for the same justice, to order sale of them to

be made, by the said freeholders, within ten days : of which public notice shall be given, at least six days before the sale thereof, by advertisements to be set up at the most public places, near the place of sale; and that the money arising therefrom shall be lodged in the hands of the freeholders, aforesaid, to be attached or distributed among the creditors, in the manner hereinbefore or hereafter directed and appointed:

V. If no such debt exceeding twelve dollars shall, to the said justice of the peace, appear to be due from the said defendant; then the said goods, chattels and other effects, in the hands of the said freeholders, shall be brought to an appraisement, but not sold (except as is hereinbefore excepted) until the expiration of three months, next after the granting the attachment: to the end, that the debtor may have time to redeem them, if he see cause. And if, after the expiration of three months, as aforesaid, the debtor shall not appear and redeem them; on notice thereof, given to the justice of the peace, he shall forthwith order and direct the said freeholders to make sale thereof; and out of the money arising therefrom, and all other money then in their hands, from any part of the defendant's estate arising (reasonable charges first deducted) to make payment to the creditors, who shall appear and make proof of their debts, within the said three months, in proportion of their respective debts; and the overplus, if any, to be returned to the owner. But, before any such sale is made, the freeholders aforesaid shall give, at least, ten days notice thereof, by advertising in the most public places, the time and place of such sale: and the constable shall receive fifty cents, for serving

How justices of the peace, &c. may proceed where no debt above 12 dollars shall appear.

such attachment, and twenty-five cents for serving execution.

Proceedings of freeholders, appraising attached property, to be put on record.

VI. The freeholders, aforesaid, within six days next after making such sale and distribution, as is herein before directed, shall render a true account of their proceedings to the justice of the peace, who granted the attachment to be by him kept as a record of their proceedings therein.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be therunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW for the easy and speedy Recovery of Small Debts. *Adopted from the Pennsylvanian code, and published at Cincinnati, the third day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **U**PON complaint made to any justice of a court of common pleas, or jus-

tice of the peace, against any person for any debt, or demand, under five dollars, it shall and may be lawful for such justice, and he is hereby empowered and required to issue forth his warrant in the nature of a summons, capias or attachment, as the case may require, directed to the constable of the township, or district where the defendant dwells, or can be found; commanding him to bring such defendant, or causing him to come with the plaintiff, before him or the next justice, forthwith: and when such justice hath heard the proofs, by the oaths or affirmations of one or more witnesses, and the allegations of both parties, or such of them as will be present, he shall, forthwith, give judgment in the matter; which shall be final and conclusive to both complainant and defendant, without further appeal. But the justice, who gives judgment, shall keep fair entries of the names of the complainants and defendants, and the debt or sum contained in such judgment, with the day and year when the same was given, and execution, if required, shall be awarded, by the justice, against the body, or goods and effects of the defendant or person refusing to comply with such judgment, directed to the constable. If the defendant produce effects sufficient to satisfy the sum, contained in such execution, his body shall not be held any longer; but, for want of such effects, the constable is hereby required to take such defendant into the jail of the proper county; and the sheriff or keeper of such jail, is hereby required to receive the person, so taken in execution, and him safely keep, till the sum recovered, with costs, be paid, or satisfaction made by goods, or otherwise; which goods shall, within three days after, be sold

How debt under 5 dollars, is recoverable.

No appeal.

The justice giving judgment, to enter every cause.

Execution,

The body not to be taken, where goods can be had.

by public vendue, and the overplus, if any, after reasonable charges deducted, returned to the owner.

II. No court shall have cognizance of any of the said debts, or demands, under five dollars; nor shall the same be determined by any justice, in any other way, than this law directs; any law or usage to the contrary, in anywise, notwithstanding.

III. *Provided always*, That nothing herein contained, shall extend to enable any of the said justices, within the respective counties, to hear any debt for rents, or where the title of real estates comes into question.

IV. All actions of debt, or other demand, for the value of five dollars, and upwards, and not exceeding twelve dollars (except such actions as are hereinafter excepted) are hereby made cognizable before any justice of the Common Pleas, or justice of the peace, in the county in which the defendant shall be, or reside: and the said justices are hereby respectively empowered and required, upon complaint to either of them made for any such debt or demand, to issue a warrant in the nature of a summons, or *capias*, as the case may require, directed to the constable of the township or district where the defendant dwells, or can be found; or to some other constable, near to him; commanding such constable to bring, such defendant or cause him to appear, before the said justice, at the time and in the manner following; that is to say: in cases, where process shall be in the nature of a *capias*, forthwith after the service thereof; but where a summons shall be issued, then on some certain day therein to be expressed, not less than five, nor exceeding eight days, from the date of such process, And at the time ap-

Debt from 5 to 12 Dol. inclu five, where cognizable.

Proceedings thereon, by warrant or *capias*:

If by *capias* then, &c.

pointed, for the hearing of any such cause, the said justice, having heard and examined the parties, with their proofs and allegations, shall give judgment thereupon, as the true merits and right of the cause shall appear to him; or, at the request of the parties, auditors or referees shall be named by them; and being approved of by the justice, shall proceed to hear and examine the proofs and allegations of the plaintiff and defendant: and, upon the return of such auditors, the said justice shall give judgment thereupon, accordingly; with such costs, only, in either case, as by law are allowed in debts under five dollars.

Referrees may
be appointed.

Judgment.

V. *Provided always*, That the process against a freeholder shall be by summons, only; and service thereof shall be made on the person, or a copy thereof left at the house of the defendant, in the presence of one or more of his family, or neighbours, at least four days before the time appointed for a hearing. And if the defendant do not appear at the time appointed, then, on oath or affirmation, made by the constable, that the said summons was duly served, in manner aforesaid, the justice who granted the same summons, may, either then, or on such further day as he shall deem consistent with reason and the nature of the case, to appoint (and not otherwise) proceed to hear and determine such cause, or causes, in the defendant's absence; and give judgment, and award execution thereupon, as if the defendant had been personally present.

Proceedings a-
gainst freehold-
ers.

Judgment
thereon.

VI. After judgment given, in any of the cases aforesaid, the justice who pronounced the same shall grant execution thereupon, directed to the constable aforesaid; commanding him to levy the debt or damages and costs of the defendant's

Execution, in
such cases, &
proceedings a-
gainst the goods.

When the body
may be taken.

Sheriff to an-
swer for es-
capes.

When the lands
and tenements
of defendant
may be levied
on.

Execution a-
gainst freehold-
ers not to issue
within 3 months
unless, &c.

goods and chattels, who, by virtue thereof, shall, within the space of ten days, next afterwards, expose the same to sale by public vendue, returning the overplus, if any be, to the defendant: and, for want of sufficient distress, to take the body of such defendant into custody, and him or her to carry and convey to the common jail of the county. And the sheriff, or keeper of such jail, is hereby required to receive the person or persons, so taken in execution, and him, her, or them, safely to keep, until the sum recovered, with costs, be fully paid. And in default of such safe-keeping, to be liable to answer the damages to the party grieved, in such manner as, by law, is provided in case of escapes: but in case no assets belonging to the defendant, sufficient to pay the debt and costs, can be found; it shall and may be lawful for the plaintiff to apply to the justice who pronounced the judgment, for a transcript thereof; and on filing the same in the prothonotary's office of the court of Common Pleas, in that county in which the recovery shall be had, it shall and may be lawful for the plaintiff to levy the sum recovered, with costs of suit, on the lands and tenements of the defendant, either by fieri facias, venditioni exponas, or a liberari facias, as the case may require, in like manner as, by law, is provided in other cases:

VII. *Provided always*, That no such execution shall be issued against any freeholder, in less than the space of three months, next after the entry of such judgment, unless the plaintiff, or some body for him or her, shall, on oath, or affirmation declare, that he or she hath good reason to believe that the debt will, by such delay, be lost; for that at the end of the said term, or before it

he or she believes the defendant will not have sufficient assets in the county, on which the said debt may be levied ; and if any judgment to be given, as aforesaid, shall be against a person, not a freeholder, such person shall have the execution against him or her respited for the like term of three months, on his or her entering into recognizance to the plaintiff with one sufficient security, in the nature of special bail ; on condition to deliver the body of the defendant to the sheriff of the county, at or any time before the expiration of the time so to be allowed ; or that the money adjudged to be due, shall then be paid. And in default of giving such security, shall be committed to the common jail of the county ; there to remain until the debt and costs shall be paid ; or such defendant otherwise legally discharged.

VIII. *Provided also*, That where the plaintiff, costs to defendant. in any case, shall become nonsuit, or judgment shall pass against him, then the justice is hereby required to assess the defendant his reasonable costs, to be levied in manner aforesaid.

IX. *Provided also*, That if any person or persons shall conceive him her or themselves aggrieved by any such judgment, so to be given, (cases determined on the return of auditors or referees, as aforesaid, only excepted) it shall and may be lawful for such person or persons, at any time within the space of six days next following the giving of such judgment, but not after, to appeal therefrom, to the court of Common Pleas, next to be holden for the county in which such suit shall be commenced ; he, she or they first entering into recognizance with at least one sufficient security, at least in double value of the debt or damages sued for (and sufficient to answer all

Appeal allowed.

costs) to prosecute the said appeal, with effect, and to abide the order of the said court ; or in default thereof to be sent, by mittimus, to the sheriff of the county, by him to be kept, until he, she or they, shall give such security, or be otherwise legally discharged.

Justices to keep
dockets, and
how.

Justices duty in
case of appeal.

X. The said justice shall cause fair entries to be made in books, by them to be provided, for that purpose, of the names of the plaintiff and defendant, in all such cases as may come before them ; with the debt and costs adjudged, and the time when the same judgment was given. And upon any appeal made from any such judgment, the justice, who pronounced the same, shall send a transcript thereof to the prothonotary of the court of Common Pleas for the county in which such appeal is made, on or before the first day of the term next following any such appeal : for which transcript, or any other, obtained by virtue of this law, the justice shall be allowed, in the costs to be taxed, eighteen cents and no more.

Proceedings in
the court ap-
pealed to.

XI. At the court to which any such appeal shall be made, the person so appealing, shall cause an entry of his suit to be made by the prothonotary of such court ; and shall either have his appearance entered, or give bail to the action, as the nature of the case may require ; or on neglect thereof, and application of the appellee to the court, for that end, the appellant's default shall be recorded, the first judgment affirmed, with reasonable costs, and execution shall be issued out, of the said court against the defendant's body, goods, or chattels, as is usual in other cases. And in case the defendant shall appeal, or give bail, as aforesaid, the plaintiff or defendant in the appeal, as the case may require, shall file his or

her declaration, and the adverse party plead to issue, in such time as shall be directed by the court; so always that the cause be tried by a jury of the country, in the usual manner, either at the court to which such appeal is made, or the next term at farthest; unless the court, on cause to them shewn, shall think fit to give the parties a farther day; and as the verdict shall be rendered in any of the said causes, the court shall give judgment thereupon as the nature of the case may require, with cost of suit.

XII. Provided always, That if the parties, appellant and appellee, or either of them, shall neglect or refuse to file his or her declaration, or to plead to issue, in such time as shall be directed by court, a nonsuit or a judgment, by default, may be entered, for want thereof as usual.

Further proceedings.

XIII. Provided also, That the costs to be taxed in such suit, to the several officers and others concerned for the services by them respectively to be done, shall be two third parts only of the costs now usually taken in the said courts of Common Pleas.

What costs to be taxed.

XIV. Provided also, That none of the justices, who, by virtue of this law, shall hear and determine any of the causes, aforesaid, out of court, shall afterwards, sit on the hearing, and determining the same cause, on an appeal made to any of the courts of Common Pleas, aforesaid.

Justices trying out of court, not to sit on the same cause in court.

XV. If any person or persons, whomsoever, shall commence, sue or prosecute any suit or suits, for any debts or demands made cognizable, as aforesaid, in other manner than is directed by this law, and shall obtain a verdict or judgment therein, for debt or damages, which, without costs of suit, shall not amount to more

No costs recoverable, unless &c.

than twelve dollars, (not having caused an oath or affirmation to be made, before the obtaining of the writ of summons or capias and filed the same in the prothonotary's office, respectively, that he, she or they, so making oath or affirmation, did truly believe the debt due, or damage sustained exceeded the sum of twelve dollars) he she or they, so prosecuting, shall not recover any costs; in such suit: any law, usage or custom, to the contrary, notwithstanding.

Particular
debts declared
not within this
law.

XVI. Provided also, That this law, nor any thing herein contained, shall be deemed, construed or understood to extend to actions of debt for rent, debt upon bonds for performance of covenants, to actions of covenant, to actions of replevin, or upon any real contract; nor to actions of trespass on the case for trover and conversion, or slander, nor to actions of trespass, for assault and battery or imprisonment; nor to such actions where the title of lands shall anywise come in question.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Clevas Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES.
G. TURNER,

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO. }

A LAW concerning defalcation.
Adopted from the Pennsylvanian code, and published at Cincinnati, the third day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.



AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

Sect. L. **I**F two, or more, dealing together, be indebted to each other upon bonds, bills, bargains, promises, accounts, or the like, and one of them commence an action, in any court; if the defendant cannot gainsay the deed, bargain or assumption, upon which he is sued, it shall be lawful for such defendant to plead payment of all, or part of the debt, or sum, demanded; and give any bond, bill, receipt, account or bargain in evidence: and if it shall appear, that the defendant hath fully paid, or satisfied, the debt or sum demanded, the jury shall find for the defendant; and judgment shall be entered, that the plaintiff shall take nothing by his writ, and shall pay the costs. And if it shall appear, that any part of the sum demanded be paid, then so much as is found to be paid shall be defalked; and the plaintiff shall have judgment for the residue, only, with costs of suit. But if it appear to the jury, that the plaintiff is overpaid, then they shall give in their verdict for the defendant, and, withal, certify to the court, how much they find the plaintiff to be indebted, or

Where two or more are dealing together, & one sue out an action, how defendant to plead.

Further proceedings.

Sci. fa.

in arrear, to the defendant, more than will answer the debt or sum demanded: and the sum or sums, so certified, shall be recorded with the verdict, and shall be deemed as a debt of record; and if the plaintiff refuse to pay the same, the defendant, for recovery thereof, shall have a scire facias against the plaintiff in the said action, and have execution for the same, with the costs of that action.

Provido, as to
tender.

II. *Provided always*, That in all cases where a tender shall be made, and full payment be offered by discount, or otherwise, in such specie as the party, by contract or agreement, ought to do, and the party to whom such tender shall be made doth refuse the same, and yet afterwards will sue for the debt or goods, so tendered; the plaintiff shall not recover any costs in such suit.

Where ac-
counts between
two parties,
what proceed-
ings to be had.

Sci. Fa.

III. *Provided also*, That in all cases, where the plaintiff and defendant, having accounts to produce one against another, shall, by themselves, or attornies or agents; consent to a rule of court, for referring the adjustment thereof, to certain persons, mutually chosen by them in open court (the award or report of such referees being made according to the submission of the parties, approved of by the court, and entered upon the record, or roll) shall have the same effect, and be deemed and taken to be as available in law, as a verdict given by twelve men: and the party, to whom any sum or sums of money are thereby awarded to be paid, shall have judgment, or a scire facias, for the recovery thereof, as the case may require, and as is herein before directed; concerning sums found and settled by a jury; any

law or usage to the contrary, in anywise notwithstanding.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing : *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW for the trial and punishment of Larceny, under a dollar and a half. *Adopted from the Pennsylvanian code, and published at Cincinnati, the fifth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. IF any person shall be convicted, either by his or her own confession, or the testimony of credible evidence, before any two justices of the peace, in their respective counties, of having feloniously stolen any money, goods or chattels (the same being under the value of five shillings, now equal to one hundred and fifty cents) the offender shall have judgment, to be immediately and publicly whipped, upon his or her bare back, not exceeding fifteen lashes, or be fined in any sum, at the discretion of

Persons stealing under the value of 250 cents, how punishable before 2 justices.

the said justices, not exceeding, three dollars; and if able, to make restitution, besides, to the party wronged: paying also the charges of prosecution and whipping: or, otherwise, shall be sent to the work house, to be kept at hard labour: and, for want of such work-house, to be committed to prison, for such charges, for a term not exceeding twelve days; any law to the contrary, notwithstanding.

Party accused may, on request, have trial before the quarter sessions, on recognizance for appearance there - except servants, unless &c

II. *Provided always*, That if the party, so charged with such larceny, request to be tried at the court of general quarter sessions of the peace, to be held for the county respectively, the same shall be granted by the said justices; the offending party giving security to appear and answer at the said court: otherwise he or she shall be committed, as is usual in such cases. But, if the party so charged with larceny be a servant or servants, he, she or they shall not have any appeal, unless the master, mistress or friend of the party charged shall become security for his, her or their appearance at the next court, as, in such cases, is usual.

Justices to record their proceedings here in.

III. One or more of the justices who shall render judgment, by virtue of this law, shall keep fair records of his or their proceedings therein.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO. }



AR ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER. —

A LAW to prevent unnecessary Delays in Causes, after Issue joined. *Adopted from the Pennsylvanian code, and published at Cincinnati, the fifth day of June, one thousand, seven hundred and nine-ty-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **W**HERE any issue is or shall be joined, in any action or suit at law, in any of the courts of this Territory and the plaintiff or plaintiffs in any such action or suit, hath or have neglected or shall neglect to bring such issue on to be tried, according to the course and practice of the said courts, respectively; it shall and may by lawful for the judges, or justices, of the said courts, respectively, at any time after such neglect, upon motion made in open court (due notice thereof having been given, in open court, the preceding term) to give the like judgment for the defendant or defendants, in every such action or suit, as in cases of non-suit; unless the said judges or justices shall, upon just cause and reasonable terms, allow any further time or times, for the trial of such issue, And if the plaintiff or plaintiffs shall neglect to try such issue within the time or times so allowed; then, and in every such case, the said judges, or justices, shall proceed to give judgment, as aforesaid.

II. *Provided always, That all judgments given,*

Plaintiff neglecting to bring on trial in due course to suffer a non-suit; unless further time be allowed by the court;

And, for the next neglect, judgment to go against him.

Judgments by this law, to be as judgments on non-suit. by virtue of this law, shall be of the like force and effect as judgments upon non suit, and of no other force or effect.

Defendant to have costs.

III. *Provided also*, That the defendant or defendants shall, upon such judgment, be awarded his, her or their costs, in any action or suit, where he, she or they would, upon non-suit, be entitled to the same ; and in no other action or suit whatsoever.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the fifteenth day of August next ensuing : *INTESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW establishing Courts of Judicature. *Adopted from the Pennsylvanian code, and published at Cincinnati, the sixth day of June, one thousand, seven hundred and ninety-five ; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Court of Gen.
quarter sessions
established.

Sect. I. **T**HERE shall be a court stiled The, General quarter Sessions of the peace, holden and kept four times in every year,

in every county, viz. In the county of Washington, at the town of Marietta, on the third Tuesdays of March and June, and the first Tuesdays of September and December, yearly and every year; in the county of Hamilton, at the town of Cincinnati, on the first Tuesdays of February, May, August and November, yearly every year; in the county of St. Clair, to be holden as followeth, (to wit) in the district of Kaskaskia; on the first Tuesdays of January, March, June and August; in the district of Kahokia, on the first Tuesdays of February, April, July and October; and in the district of Prairie-du Rocher, on the first Tuesdays of May, August, November and February, yearly and every year: and in the county of Knox, on the first Tuesdays of February, May, August and November, yearly and every year.

Terms thereof
in Washington.

in Hamilton :

in St. Clair :

in Knox.

II. There shall be a competent number of justices in every county, nominated and authorized by the Governour, by commission under the seal of the Territory : which said justices, -or any three of them, shall and may hold the said General sessions of the peace, according to law.

2 justices to
form this bench.

III. The said justices of the peace, or any three of them, may, pursuant to their said commissions, hold special and private sessions, when, and as often as occasion shall require. And the said justices, and every of them, shall have full power and authority, in or out of sessions, to take all manner of recognizances and obligations, as any justices of the peace, in any of the United States, may, can, or usually do: which said recognizances and obligations, shall be made to the United States. And all recognizances for the peace, behaviour, or for appearance, which shall

May hold special sessions.
Their powers and duties, as to recognizances :

How to be cer-
tified.

be taken by any of the said justices, out of sessions, shall be certified into their said General sessions, of the peace, to be holden next after the taking thereof: and every recognizance; taken before any of them, for suspicions of any manner of felony, or other crime not triable in the said court of quarter-sessions of the peace, shall be certified before the judges of the General court, or court of Oyer and Terminer, at their next succeeding court to be holden next after the taking thereof, without concealment of, or detaining or embezzling the same. But in case any person or persons shall forfeit his or their recognizances of the peace, behaviour or appearance, for any cause whatsoever; then the said recognizance; so forfeited, with the record of the default or cause of forfeiture, shall be sent and certified, without delay, by the justices of the peace, into the said General Court, or court of Oyer and Terminer, as the case may require; that thence process may issue against the said parties, according to law. All which forfeitures shall be levied by the proper officers and go to the Territory.

How fines shall
be set, and es-
treated.

IV. All fines and amerciaments, which shall be laid before the justices of the said courts of General quarter-sessions of the peace, shall be taxed; assessed and set, duly and truly, according to the quality of the offence, without partiality or affection; and shall be yearly estreated by the clerks of the said courts, respectively, into the said General Court or court of Oyer and Terminer: to the intent, that process may be awarded to the sheriff of every county, as the case may require, for levying such of their fines and amerciaments, as shall be unpaid, to the uses for which they are, or shall be appropriated.

V. *Provided always*, That the said courts of the General-quarter-sessions of the peace, may be kept and continued for the space of three legal days, or seventy-two hours, in every of the said counties, respectively, at any of the said times hereinbefore appointed to hold and keep the said court and sessions there:

Quarter-sessions shall sit no more than 72 hours.

VI. To the end, that persons indicted or outlawed for felonies; or other offences, in one county, or town corporate; who dwell, remove or be received, into another county, or town corporate; may be brought to justice; it is hereby directed, that the justices, or any of them, shall and may direct their writs, or precepts, to all or any of the sheriffs, or other officers of the said counties, (where need shall be) to take such persons indicted or outlawed: And it shall and may be lawful to and for the said justices, and every of them; to issue forth subpoenas, and other warrants, under their respective hands and seal of the county, into any county or place of this Territory, for summoning or bringing any person, or persons, to give evidence in and upon any matter or cause whatsoever, now or hereafter examinable, or in any ways triable by or before them, or any of them; under such pains and penalties as subpoenas, or warrants of that kind, usually are or ought, by law, to be granted or awarded.

Their proceedings as to persons indicted, or outlawed, and removing into other counties.

VII. If any person or persons shall find him or themselves aggrieved by the judgment of any of the said courts of general quarter sessions of the peace, or any other courts of record, within this Territory; it shall and may be lawful to and for the party or parties so aggrieved, to have his or their writ or writs of error, which shall be

Appeal given to the general court.

granted, of course, in manner as other writs are to be granted and made returnable to the General court.

The general court established.

Its sittings in Washington

and

in Hamilton;

Supreme powers of this court.

Where issue joined therein shall be tried.

Circuit courts established in St. Clair, Knox, and other counties to be erected. One judge to form the bench—Terms discretionary,

Their powers.

VIII. There shall be holden and kept, twice in every year, a Supreme court of record, which shall be called and stiled, *The General court*; the sittings of which court to commence at Marietta, in the county of Washington, on the third Tuesday of October, yearly and every year; and on the third Tuesday of March, at the town of Cincinnati, in the county of Hamilton, yearly and every year. And the judges of the said court; and every of them, shall have power and authority, when and as often as there may be occasion, to issue forth writs of habeas corpus, certiorari, and writs of error, and all remedial and other writs and process, returnable to the said court, and grantable by the said judges, by virtue of their office.

IX. Provided always, That upon any issue joined in the said General-court, such issue shall be tried in the county whence the cause was removed, before the judges aforesaid, or any one of them, as a *circuit court*; who are hereby empowered and required, if occasion require, to go the circuit, twice in every year, into the counties of St. Clair and Knox, and such other counties as may hereafter be erected, to try such issues in fact as shall be depending in the said General court, and removed out of either the counties aforesaid; (when and where they may try all issues joined); or to be joined, in the same General court, and to do, generally, all those things that shall be necessary for the trial of any issue, as fully as justices of nisi prius in any of the United States may or can do.

X. The said judges, or any two of them, shall, in their said court, hear and determine all causes, matters and things, cognizable in the said court; and also hear and determine all and all manner of pleas, complaints and causes, which shall be removed, or brought there, from the respective General quarter-sessions of the peace, and courts of common pleas, or from any other court to be holden for the respective counties: and to examine and correct all and all manner of errors of the justices of the inferior courts, in their judgments, process and proceedings in the said courts; as well in all pleas of the United States, as in all pleas real, personal and mixed: and thereupon to reverse or affirm, the said judgments, as the law doth or shall direct: And also to examine, correct and punish the contempts, omissions and neglects; favours, corruptions and defaults of all or any of the justices of the peace, sheriffs, coroners, clerks and other officers, within the said respective counties.

Not less than 2 judges to form the general court.

Their powers and duties. Shall correct the errors of inferior courts;

and punish the contempts, corruptions, &c. of justices sheriffs, coroners, and other officers.

And also, shall award process for levying, as well of such fines, forfeitures and amerciaments, as shall be estreated into the said General court, as of the fines, forfeitures and amerciaments, which shall be lost, taxed and set there, and not paid to the uses to which they are, or shall be, appropriated: and, generally, shall minister ample justice to all persons, and amply exercise the jurisdictions and powers herein mentioned, concerning all and singular the premises, according to law.

Further powers and duties of the Territorial judges.

XI. All the said writs shall run in the name & style of the *United States of America*, and bear test in the name of the presiding judge: but if he be plaintiff or defendant, then, in the name of

State of process, and how tested

one of the other judges; and shall be sealed with the judicial seal of the said court, and made returnable to the next court after the date of such writs.

General Court
to deliver the
jails of persons
committed for
capital offen-
ces.

XII. The judges of the general court have power, from time to time, to deliver the jails of all persons who now are, or hereafter shall be committed for treasons, murders and such other crimes as, by the laws of this Territory, now are, or hereafter shall be, made capital, or felonies of death, as aforesaid: and for that end, from time to time, to issue forth such necessary precepts and process, and force obedience thereto, as justices of assize, justices of Oyer and Terminer, and of jail delivery, may, or can do within the United States.

**Travelling ex-
pences of the
judges, attor-
ney general and
clerk, &c. to
be paid by the
public:**

**When by the
Territory;**

**And when by
the county.**

**To pass ferries
free.**

**Jury men to be
fined, for non-
attendance.**

XIII. The charges and expences of the judges, attorney-general, and clerk of the General-Court, with their servants, in travelling their circuits, and while holding the General and Circuit-Courts, shall be paid in manner following, that is to say; all such expences as shall happen in their circuits through any of the counties, where they shall not hold their said court, shall be paid by the Territory; and all such expences as shall accrue from the time of their coming into, and during their continuance in the county where they shall hold their said court, by the treasurer of the same county, out of the county stock. And they the said judges, attorney-general, and clerk, with their servants, shall pass and repass, and shall be conveyed by the ferry-men over all the several ferries within this Territory, without paying any ferriage, fee or reward for the same.

XIV. In order to compel the due attendance of jury-men on the said circuit and *nisi prius* courts, and all other courts within this Territory,

it is hereby declared, that if any person shall be duly summoned to attend any court of judicature, to serve on a jury, or on any inquest required by law, and shall neglect or refuse to give his attendance, on the day, and during the time his service is necessary; every such person, so offending, shall be fined, for every such offence in the General court, and court of Oyer and Terminer, by the judges thereof, any sum not exceeding eight dollars: and for every such offence, in the court of Common Pleas, or court of quarter-sessions of the peace for any county of the Territory, by the justices thereof, any sum, not exceeding five dollars: unless such delinquent shall, at the same or next succeeding court, render to the judges or justices thereof, a reasonable excuse for such neglect or refusal, to be allowed by such of them as shall be present: which said judges or justices are hereby empowered and required, on failure of such delinquent, to render such reasonable excuse, to issue a writ to the sheriff of the county, to levy the said fines on the goods and chattels of every such delinquent; to be paid to the overseers of the poor of the township, where he shall reside, to the use of the poor thereof.

If in the General Court, not exceeding 8 dollars,

If in the inferior courts, not exceeding 5 dollars.

Process to compel payment thereof;

Such fines to go to the poor.

XV. A competent number of persons shall be commissioned by the governor, under the seal of the Territory, as justices of the Common Pleas; who shall hold and keep a court of Record, in every county, and which shall be stiled and called, *the court of Common Pleas of (naming the particular county)* and shall be holden four times in every year, in each county, at the place where the General quarter-sessions of the peace shall be respectively kept. Which said

Justices and courts of Common Pleas established.

To be held four times, yearly, in every county.

3 justices to
make a bench.

Their powers
and duties.

Further powers
of this court.

May subpœna-
eat of its coun-
ty.

Process may run
into another
country. in cer-
tain cases.

justices, or any three of them, according to the tenor and direction of their commissions, shall hold pleas of assize, scire facias, replevins, and hear and determine all and all manner of pleas, actions, suits and causes, civil, personal, real and mixed, according to law.

XVI. Every of the said justices shall and are hereby empowered to grant under the seal of their respective courts, replevins, writs of partition, writs of view, and all other writs and process upon the said pleas and actions, cognizable in the said respective courts, as occasion may require.

XVII. The said justices of the said respective courts, last mentioned, shall and are hereby empowered to issue forth subpœnas, under their respective hands and seal of the court, into any county or place within this Territory, for summoning or bringing any person or persons to give evidence in, or upon, the trial of any matter or cause, whatsoever, depending before them, or any of them; under such pains and penalties as, by the rules of the common law, and course of the practice of the General court, are usually appointed.

XVIII. Upon any judgment obtained in any of the said courts of Common Pleas, and execution returned by the sheriff, or coronor, of the proper county, where such judgment was obtained, that the party is not to be found, or hath no lands or tenements, goods or chattels, in that county; and thereupon it is testified, that the party skulks, or lies hid, or hath lands, tenements, goods or chattels in another county, in this Territory; it shall and may be lawful to and for the court that issued out such execution, to grant, and they are hereby required to grant an *alias* execution,

with a testatnm, directed to the sheriff, or coronor, of the county or place where such person lies hid, or where his lands or effects are; commanding him to execute the same, according to the tenor of such writ or writs, and make return thereof to the court of Common Pleas where such recovery is had or judgment given. And if the sheriff, or coroner, to whom such writ or writs shall be directed, shall refuse or neglect to execute and return the same accordingly, he shall be amerced in the county where he ought to return it, and be liable to the action of the party grieved: and the said amerciements shall be truly and duly set, according to the quality of the offence, and estreated, by the prothonotaries of the respective courts of Common Pleas, into the next succeeding General court, or court of Oyer and Terminer, in course; that thence process may issue against the offenders, for levying such fines and amerciements as shall be unpaid, to the uses for which they are, or shall be appropriated.

Penalty on the
riff or coroner
neglecting to
execute such
process:

How to be es-
treated.

XIX. All suits, actions and causes before the General court, or the courts of Common Pleas and General quarter-sessions of the peace, that shall remain undetermined, shall be continued over to the next respective term, ensuing under the authority of this law.

Causes con'ti-
nued over to
the new terms.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO. }



AS ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

A LAW for the Limitation of Actions. *Adopted from the Pennsylvanian code, and published at Cincinnati, the tenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Limitation of actions of trespass quare clausum fregit, detinue, trover and replevin; of account (other than, &c.) of debt for rent, of trespass, assault, menace, battery, wounding and imprisonment.

Sect. I. **A**LL actions of trespass quare clausum fregit, detinue, trover and replevin for taking away goods and cattle; of account and upon the case (other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants) all actions of debt, grounded upon any lending or contract, without speciality; of debt for arrearages of rent, of trespass, assault, menace, battery, wounding and imprisonment, or any of them, which shall be sued or brought at any time, hereafter, shall be commenced and sued within the time and limitation hereafter expressed, and not after (that is to say) actions upon the case, other than for slander, actions for account, and actions for trespass, debt, detinue, replevin for goods or cattle, and actions of trespass quare clausum fregit, within three years; or within six years, next after the cause of such actions, or suit, and not afterwards: and actions of trespass, of assault, menace, battery, wounding, imprisonment, or any of them, within one year, next after the taking effect hereof; or within two years, next after the cause of such actions or suit, and not afterwards; and ac-

tions upon the case, for words, within one year, next after the words spoken, and not afterwards.

II. If, in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed by error; or a verdict pass for the plaintiff, and, upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, writ or bill; then, and in every such case, the party, plaintiff, his heirs, executors or administrators (as the case may require) may commence a new action or suit, from time to time, within a year after such judgment reversed or given against the plaintiff, as aforesaid, and not afterwards.

If judgment thereon be reversed for error, plaintiff may bring fresh suit in 12 months.

III. In all actions of trespass quare clausum fregit, hereafter to be brought, wherein the defendant or defendants shall disclaim, in his or their plea, to make any title or claim to the land in which the trespass is, by the declaration, supposed to be done (and the trespass be by negligence, or involuntary) the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence, or involuntary; and a tender or offer of sufficient amends for such trespass, before the action brought: whereupon, or upon some of them, the plaintiff or plaintiffs shall be enforced to join issue: and if the said issue be found for the defendant or defendants; or if the plaintiff or plaintiffs shall be non-suited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions, and all other suits concerning the same.

In actions of trespass quare clausum fregit where deft. sets up no title to the land, &c. he may tender amends.

IV. In all actions upon the case, for slanderous words, to be sued or prosecuted by any person or persons, in any court, if the jury upon trial of the issue, in such action, or the jury

Where, in actions for slander the jury find damages.

under 5 dollars, plaintiff shall recover no more costs.

Provido favouring minors, feme coverts, unsound minds, or persons beyond sea or imprisoned.

that shall enquire of the damages, do find or assess the damages, under five dollars; then the plaintiff or plaintiffs, in such action, shall have and recover only so much costs as the damages so given, or assessed, do amount unto, without any further increase of the same; any law or usage, to the contrary, notwithstanding.

V. *Provided nevertheless*, That if any person or persons, who is or shall be entitled to any such action of trespass, detinue, trover, replevin, actions of account, or debt actions for trespass, for assault, menace, battery, wounding or imprisonment, or actions upon the case for words, be, or at the time of any cause of such action, given or accrued, fallen or come, shall be, within the age of twenty one years, feme-covert non compos mentis, imprisoned or beyond sea; that, then, such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as hereby before limited, after their coming to, or being of full age, discoverture, of sound memory, at large, or returning into this Territory as other persons.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

ARTHUR ST. CLAIR,
JOHN C. SYMMES
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE O HIO. }



A LAW for the relief of persons conscientiously scrupulous to take an Oath in the common form. *Adopted from the Pennsylvanian code, and published at Cincinnati, the eleventh day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

Sect. I. **A**LL and all manner of crimes, offences, matters, causes and things, to be enquired of, heard, tried and determined, or done or performed, by virtue of any law, or otherwise, shall and may be enquired of, heard tried and determined by judges, justices, witnesses and inquest. And all other persons, qualifying themselves according to their conscientious persuasions, respectively; — those of the people commonly called *Quakers*, by taking the solemn affirmation; and those of the persuasions who swear with uplifted hand, or hands, by taking an oath in the following words: *I A. B. do swear by Almighty God, the searcher of all Hearts, that I will (and so forth)*

How witnesses
 shall be qualified.

The oath for
 those who wear
 with up-lifted
 hand.

And that as I shall answer to God, at the Great Day.

Which oath, so taken by persons who conscientiously refuse to take an oath, in the common

form, shall be deemed and taken, in law, to have the same effect with an oath taken in the common form.

Pains and penalty on, each as falsely swear or affirm.

11. If any person shall be legally convicted of taking a false affirmation or of falsely swearing under the form herein particularly, prescribed; he or she, shall incur and suffer the same pains, penalties, disabilities and forfeitures as persons, convicted of wilful and corrupt perjury, do incur and suffer by law.

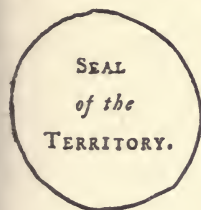
Provido, as to oaths to government.

111. *Provided always*, That nothing herein contained shall be held, deemed or construed to enable any such person to receive, take or exercise any office, judicial or ministerial, before he shall take the oath or oaths to the government, according to his conscience, and agreeably to the directions of an act of the United States, entitled "an act prescribing the time and manner of administering certain oaths,"—and also the oath of office.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing : *INTESTIMONY* whereof, we *Arthur St. Clair, John Clèves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

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TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO.



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW for the recovery of Fines and Forfeitures, and directing how the same are to be es- treated. *Adopted from the Pennsylvanian code, and published at Cincinnati, the eleventh day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **A**LL fines, issues, amerciaments forfeited recognizances, sum and sums of money to be paid in lieu and satisfaction of them, or any of them, and all other forfeitures, whatsoever, which, after the twenty fifth day of August one thousand, seven hundred and ninety five, shall be set, imposed, lost or forfeited in the General or circuit courts, or in any o' the courts of common pleas, courts of General quarter sessions of the peace, or before any special commissioners of Oyer and Terminer, in any county of the Territory, shall, by the judges, justices, prothonotaries and clerks of the said courts, respectively, be certified, and estreated in and into the said General court (viz,) at the term of November next, in the county of Washington, and of October next, in the county of Hamilton, expressing the cause of the loss, the court, the nature of the writ, and names of the parties between whom the said issues and amerciaments are lost.

Fines, &c. how to be estreated into the General court to be held in Washington and Hamilton next terms.

How to be ef-
fected. after-
wards.

II. All fines, issues, amerciaments, forfeited recognizances, sum and sums of money to be paid in lieu or satisfaction of them, or any of them, and all other forfeitures, whatsoever, arising in any of the said courts, from the said October and November terms of the year one thousand, seven hundred and ninety five; shall be, and are hereby ordained and required to be certified and estreated, in, and into, the said General court, viz. at Cincinnati, on the first day of the term of the said court, there to be held, on the third Tuesday of March, in every year; and from the said term of March; to the first day of the term of the said court, to be held at Marietta, on the third Tuesday of October; yearly and every year; on pain that every officer or minister of or belonging to the said courts, or any of them, who, by this or any other law ought to make certificates or estreats of any of the said fines, issues, amerciaments and forfeitures, making default, or offending therein, shall forfeit and pay eighty dollars for every such default that shall be made, in certifying and estreating, as aforesaid; the one moiety to the Territory, and the other moiety to such person, or persons, as will sue for the same; to be recovered in any court of record, by action of debt, bill or information, wherein no essoin, protection or wager of law, and but one imparlance shall be allowed.

Penalty on de-
fault.

Duty herein of
clerks of the
peace.

III. All the clerks of the peace shall make and deliver, yearly, to the sheriff of the respective county, where the sessions of the peace is or shall be kept, within ten days, after the twenty fifth day of August, in every year, a true and perfect estreat, or schedule, of all fines, issues, amerciaments, forfeited recognizances, sum and

sums of money, and other forfeitures, whatsoever, which shall happen to be imposed, set, lost, or forfeited, in any of the said sessions of the peace, respectively; which shall be held before the first day of September, by or upon any person or persons, whatsoever, due to the Territory.

IV. And also, shall yearly and every year, on or before the third Tuesday of October, make ^{Further duties,} and deliver into the said General court, or circuit court, (which shall first sit) a true and perfect duplicate, certificate and estreat of all the schedules so delivered to the said respective sheriffs; that so they may be charged with the money levied and received by them, respectively, upon such schedules, delivered as aforesaid; on pain that every person and persons, offending herein, for every such default or failure made shall forfeit and pay the sum of eighty dollars; the one moiety to the Territory, and the other moiety to such person or persons as will sue for the same, to be recovered as aforesaid.

V. The judges of the said General court shall ^{Territorial} award process for levying, as well of such fines, ^{judges to award} forfeitures, issues and amerciaments as shall be ^{process for le-} estreated into the General court, as of all the ^{vying estreats,} fines, forfeitures, issues and amerciaments which shall be lost, taxed and set there, and not paid, to the uses to which they shall be appropriated.

VI. No judge, justice, officer or minister of ^{No officer} or belonging to any of the said courts, nor any ^{whatever shall} prothonotary or clerk of the said general or other ^{spare, conceal,} courts, clerk of the peace, nor any officer or ^{&c. indictments} minister under them, or any of them; nor other ^{fines, estreats,} person or persons, whatsoever, shall ^{&c.} spare, take off, discharge, or, wittingly or willingly, conceal any indictment, fine, issue, amerciament, for

Not miscertify
the same ;

On pain of for-
feiting treble
value.

feited recognizance, or other forfeiture, whatsoever, exhibited, set, imposed, lost or forfeited, in any of the courts above mentioned, or before any of the judges, justices or commissioners, of or belonging to the same ; or any sum or sums of money paid, or to be paid to any officer or officers, in lieu or satisfaction of any fine or forfeitures ; unless it be by rule, or order of court, where such indictment, fine, issue, amerciamment, forfeited recognizance, or other forfeiture, is or shall be exhibited, set, imposed, lost or forfeited : nor shall any of the said judges, justices, officers or ministers, aforesaid, or any other, wittingly or willingly, miscertify or estreat in or into any of the said General courts, or circuit courts, any fine, issue, amerciamment, forfeited recognizance, or other forfeiture whatsoever, whereby the process of the said General court, or circuit court, for the levying thereof, may be made invalid and of none effect : but every such judge, justice, officer or minister, and all & every other person and persons, offending herein, shall, for every such offence, forfeit and pay treble the value of such fine, issue, amerciamment, forfeited recognizance, sum or sums of money, or other forfeiture, so spared, taken off, discharged, concealed, not certified or estreated, or miscertified or estreated, as aforesaid : the one moiety thereof to the Territory, and the other moiety to such person or persons as will sue for the same, to be recovered as aforesaid.

VII. All clerks and prothonotaries of the said court, clerks of the peace, and others, to whom it belongs to make return of estreats, into the said General court, shall deliver in all and every such estreat and estreats, upon their oaths, or at

firmations to be administered by one or more of the judges, or justices of the same court, to the effect following; that is to say: you *A. B. declare, that, these estreats, now by you delivered, are truly and carefully made up and examined; and that all fines, issues, amerciaments, recognizances and forfeitures, which were set, lost, imposed or forfeited, and, in right and due course of law, ought to be estreated in the General court, or circuit court (as the case may be) are, to the best of your knowledge and understanding, herein contained; and that in the same estreats, are also contained and expressed all such fines and amerciaments as have been paid into the court from which the said estreats are made; without any wilful or fraudulent discharge, omission, misnomer or defect, whatsoever.*

Oath of those delivering estreats into court.

Territorial judge, their duty as to estreats & relief to parties aggrieved.

VIII. Any of the judges of the said general or circuit courts, shall view all the said estreats, and cause their clerks to enrol them in the said courts; and shall hear and determine all complaints brought before the said courts concerning immoderate fines, issues or amerciaments, estreated, as aforesaid, and give relief to the party grieved, as the law in such cases, doth or shall direct.

How general or circuit court may proceed to command payment of estreats from officers.

IX. Where any fine or fines, sum or sums of money or other forfeitures, due to the Territory, after the said first day of September, shall be paid to any sheriff, clerk, or other officer or minister, whatsoever, belonging to any court or courts; and be, according to the intent and directions of this law, certified and estreated in or into the said General court, or circuit court; then, and in such case, process or citation shall issue out of such court, directed to the sheriff or coroner of the proper county (as the case may require) against

such officers and other persons, to whom such fines, sum or sums of money, or other forfeiture, is or shall be so paid; for levying and receiving the same; that so it may appear on return of such process or citation, when, to whom, and how such monies are received, answered and paid.

Estreats to be paid to the treasurer of the Territory, (except &c.) who shall account to the governour and judges.

X. All and every the said fines, sums of money, or other forfeitures (except such as may, by law, be appropriated to other purposes) which, from henceforth, shall be levied or received, according to the intent and directions of this law, shall be paid by the sheriff (or other officer, or minister, who levied or received the same) to such person as the governour shall, from time to time, appoint treasurer of the Territory: who shall pay the same to the uses to which they are, or shall be, appropriated: and the said treasurer shall, from time to time, lay an account thereof before the governour and judges in their legislative capacity, at their next session; and shall deduct five per centum, for his trouble in paying and receiving the same.

Persons appointed to issue licences, to certify those they issue to the treasurer.

XI. The person, or persons, who are or may be empowered to issue licences, for keeping public houses and selling wine, and other liquors, in any town or place of the Territory, shall keep a true and just account of all the said licences, expressing the time when the person's names to whom the same were granted, and where they live: and shall certify the same to the said treasurer, once, in every half year, yearly and every year; upon pain of forfeiting and paying the sum of fifty dollars, for every such default, or neglect, in that behalf; the one moiety thereof to the Territory, and the other moiety to him or

Penalty on neglect.

them that will sue for the same; to be recovered as aforesaid.

THE foregoing is hereby declared to be a law; of the Territory; to take effect accordingly: *IN TESTIMONY* whereof, we *Arthur St. Clair John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR;
JOHN C. SYMMES;
G. TURNER.

A LAW ascertaining and regulating the Fees of the several Officers and persons therein named. *Adopted from the New-York and Pennsylvanian codes, and published at Cincinnati, the sixteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. NO officer or person shall, at any time, exact or demand, for services hereafter to be rendered, any larger, or other fee than as hereinafter is provided, other than such as may, by any future law, be allowed, viz.

1. *In the General court; judges fees: for allow-*

**Judges' fees in
the General
court.**

ing a writ of error, sixty two and a half cents: for every supersedeas, thirty seven and a half cents. taking bail, thirty seven and a half cents: filing every bail-piece, or recognizance, twelve and a half cents: signing every writ of habeas, corpus, procedendo, certiorari or prohibition, thirty seven and a half cents: confession of a judgment, out of court, thirty seven and a half cents: taking an affidavit, twelve and a half cents: admitting a consellor at law or an attorney, one dollar and twenty five cents; to be paid to the judge or judges, present at the admission: the judge licensing a counsellor at law, or an attorney, three dollars and seventy five cents: taxing a bill of costs, seventy five cents: signing judgment, twenty five cents: in every cause, to be paid on the first motion, unless criminal, sixty two and a half cents; to be divided among the judges: attending on ballotting or striking a jury, or both, sixty two and a half cents: every attendance, on motion or argument, or special matter, at his chambers, and on examining a witness, sixty two and a half cents: every certificate, or order, upon a law for relief of insolvent debtors, thirty seven and a half cents: every warrant, order, report or certificate upon the law relative to absconding debtors, thirty seven and a half cents: every appointment of trustees, thirty seven and a half cents: taking the acknowledgment of a deed, fifty cents: every justification or allowance of bail, thirty seven and a half cents.

**Attorney-general's
fees.**

III. *The attorney-general's fees in the General court.* Entering every cessat processus or nolo prosequi, for each defendant, sixty two and a half cents: every process or indictment, or other common writ, per sheet, eighteen cents:

drawing every indictment or information general, seventy five cents: copying and engrossing the same, fifty cents: drawing all special indictments and pleadings, per sheet, seventy two words to a sheet, eighteen cents: a copy thereof per sheet, as aforesaid, ten cents: every motion in court, sixty two and a half cents: fee on trial, demurrer, special verdict, or in error, or in pleas confessed, three dollars: every warrant, to acknowledge satisfaction on record, seventy five cents: for the trial of every capital cause where life is concerned, eight dollars: for the whole prosecution, except drawing the indictment or information, for the trial of every other matter by bill of indictment or information, five dollars: and if the defendant shall, by habeas corpus, certiorari, or otherwise, remove any indictment or information from any court of General quarter-sessions before the judges of the General court, the attorney general shall, for his services in drawing the indictment and prosecuting the same, have the sum of eight dollars: on all other proceedings, the like fees as are, hereinafter, allowed for the like services to practitioners in the General court.

III. *Counsellors' & attornies' fees in the General court.* For retaining fee, three dollars and fifty cents; but, where several suits are brought upon one bond, or note, no more than one retaining fee shall be allowed: warrant of attorney, twenty eight cents: drawing all processes and returns, twelve and a half cents: every term fee, seventy five cents: but, no more than three to be allowed, unless the party caused that term's delay, for which it is charged: drawing bonds to prosecute, affidavits, pleadings, adjournments, suggestions,

Counsel and attornies' fee in same courts.

and other necessary entries, each sheet of seventy two words, eighteen cents : copies on paper, six cents, per sheet : every motion, sixty two and a half cents : arguing every special motion, one dollar and twenty five cents : fee on trial, or inquest in error, one dollar and fifty cents : service of a declaration in ejectment, the same as service of process by sheriff : fee for arguing of demurrer, or special verdict, such sum as shall be allowed in the discretion of the judge who shall tax costs : a brief and copy, or copies thereof, one dollar and twelve cents : drawing up the judgment, seventy five cents : every continuance, eighteen cents : drawing a nolo prosequi, or retraxit, thirty seven and a half cents : entry thereof, eighteen cents : every notice and copy, thirty cents : attendance on balloting or striking a jury, or both, sixty two and a half cents : on examining a witness, fifty cents : on taxing a bill, twenty five cents : on giving or excepting to bail, twenty five cents : attending a judge ; on other ordinary service, twenty five cents : service of notice, every notice or rule, eighteen cents : service of copy of the declaration and rule to plead, eighteen cents : copy bill of costs to be taxed, delivered to the opposite party, thirty seven and a half cents, if before issue joined or judgement ; but if afterwards, seventy five cents,.

Clerk of the General court's fees, in civil causes.

IV *The clerk of the General court's fees in civil causes:* For sealing a writ; entering the same, filing ticket and entering on the docket, twenty eight cents : filing a declaration, twelve and a half cents : entering an appearance, twelve and a half cents : filing all other pleadings, each, twelve and a half cents : entering every rule, eighteen cents : swearing and empanneling a jury, twenty eight

cents: the return of a writ and filing the same, twelve and a half cents: swearing each witness, six cents: swearing a constable, six cents: reading each writing, on evidence, twelve and a half cents: filing the roll, twelve and a half cents: taking the jury's verdict, and entering the same in the minutes, eighteen cents: special verdict, drawing or engrossing, twelve and a half cents, per sheet: entering judgment, twenty eight cents: a retraxit or discontinuance, twelve and a half cents: copies of records, or the pleadings, per sheet, each sheet containing seventy two words, twelve and a half cents: attending and striking a special jury, and delivering a copy thereof to each party, seventy five cents: filing an affidavit, or other paper on request, nine cents: entering satisfaction on record, eighteen cents: searching the records within a year, eighteen cents; and for every year back, six cents.

V. *In criminal causes*, where the services are done at the request of the defendant; or where he enters a nolo contendere; or, on voluntary composition, has his fine mitigated; or where the service is for the case and advantage of the defendant, or prisoner; or by order of the court: for every appearance, twelve and a half cents: the discharge of any person upon bail, twelve and a half cents: every imparlance to an indictment, twelve and a half cents: drawing process against any person upon an information or other process, forty four cents: the plea to an indictment or information, six cents: reading the indictment, information or record, six cents: swearing every witness, on trial, six cents: engrossing judgment on information, eighteen cents: respiteing every recognizance, nine cents: taking a recognizance, fifty six cents, and entering there-

His fees in criminal causes.

of: copies of all indictments, informations and pleadings, per sheet, each sheet seventy two words, twelve and a half cents: relinquishing, a plea, twelve and a half cents: a submission, twelve and a half cents: judgment thereon, twelve and a half cents: a copy of the traverse, twelve and a half cents: every subpoena for four witnesses, or under, twenty eight cents: every witness more, six cents: every order or rule of court, eighteen cents: a copy of a rule of court, twelve and a half cents: taking and copying every special verdict, per sheet, each sheet containing seventy two words, eighteen cents: for the allowance and recording a warrant of nolo prosequi, or cessat processus, fifty cents.

Clerk of the
circuit court's
fees, in civil
causes.

VI: *Fees for the clerk of the circuit courts.* For entering in the judge's book, every cause to be tried, thirty seven and a half cents: filing every nisi prius record, thirty seven and a half cents: entering every rule, eighteen cents: swearing and empanneling a jury, twenty eight cents: entering confession of lease, entry and ouster, eighteen cents: swearing each witness and swearing a constable, each, six cents: reading every deed or piece of written evidence, twelve and a half cents: filing a bill of exceptions, or demurrer, each, twelve and a half cents: copies thereof, nine cents per sheet: calling plaintiff and entering his default or appearance, twelve and a half cents: taking a verdict and entering it in minutes, twenty eight cents: returning every postea, seventy five cents: entering every nonsuit, eighteen cents: entering default of juror, and discharge of others, eighteen cents.

His fees in criminal causes.

VII *In criminal causes;* the same fees as are before allowed to the clerk of the General court,

and under the same restrictions : and if he prosecute for the United States, the like fees as are before allowed to the attorney general.

VIII. The sheriffs' fees in the General court: Sheriffs' fees in
the General
court.
 serving a writ, fifty six cents : every mile, six cents, to be computed from the place of holding the court : bail-bond, thirty seven and a half cents: returning a writ, twelve and a half cents : summoning a jury, one dollar and twenty five cents : serving an execution for or under three hundred dollars, per each three dollars, six cents ; and for every three dollars more, three cents : the allowance to the sheriff on fieri facias, or other writs for levying monies, to be taken only on the sum levied (that where any sheriff shall levy or receive any debt or damages and costs, actually previous to, or without, an actual sale of the lands, goods or chattels seized or taken, he shall be entitled to no more than one half of the allowance, on each three dollars mentioned in this law, in all cases where such debt or damages and costs shall exceed the sum of three hundred dollars): serving a writ of possession, without the aid of the posse comitatus, one dollar and twenty five cents; with the aid of the posse comitatus, three dollars and seventy five cents: every mile from the court-house, six cents: for summoning a grand jury, three dollars: executing a criminal, seven dollars and fifty cents: making a list of freeholders to strike a jury, three dollars and seventy five cents: serving a scire facias, and return, sixty eight cents: every person committed to prison, thirty seven and a half cents: the discharge of every person out of prison, being committed, thirty seven and a hal

cents : bringing up a prisoner by *habeas corpus*, in civil cases, one dollar and fifty cents : every mile from the place of taking him, six cents : executing a writ of enquiry, and returning, one dollar and fifty cents : attending a view in the same county, per day, one dollar and eighty seven and a half cents : the like in a foreign county, one dollar and seventy five cents, per day : attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner into custody, one dollar : for summoning a jury, on forcible entry and detainer, three dollars and seventy five cents : serving a writ of restitution, besides a mileage fee of six cents, per mile, one dollar and eighty seven and a half cents : copy of every writ, eighteen cents : serving warrant of attachment, taking into custody, &c. so much as the judge who issued the warrant shall certify.

*Cryer's fees in
General court.*

IX. The Cryers fees in the General court.

For calling every action, nine cents : calling a jury, twelve and a half cents : swearing a witness, six cents : calling every verdict, nine cents : discharging every person, by proclamation, nine cents : calling the plaintiff, on nonsuit, nine cents : calling a defendant, on recognizance, nine cents : calling a default nine cents : ringing the bell, each action in court, twelve and a half cents.

*Juror's fees in
same court.*

X. Jury fees in the General court. Every juror, for each action on which he is sworn as a juror, twenty five cents : every juror coming to and attending a view, and returning, per day, seventy five cents : every juror attending court from a foreign county, coming and returning, per day, fifty six cents.

XI. The fees to be allowed for witnesses summoned in the several courts, and charges for summoning them. Each witness attending in his own county, on trial, twenty five cents, per day : attending from a foreign county, and coming and returning, per day, fifty six cents : each witness subpoena'd in the county, and detained from a foreign county, per day, fifty six cents : serving subpoena on each witness, twelve and a half cents : to a witness on a duces tecum, coming from a foreign county, attending, and returning per day, fifty six cents : except for the judge of probate or clerk of a court, attending in a foreign county, with wills, records, or other paper evidence, on subpoena, one dollar and sixty six cents, per day..

Fees to witnesses in the several courts, and for summoning them.

XII. Surveyors' fees. For going to and returning from a view, per day, one dollar and twenty five cents, thirty miles per day : his actual service, per day, on the view, one dollar and fifty cents : for going to, attending the court, on trial, and returning, per day, one dollar and twenty five cents,

Surveyor's fees

XIII. The justices' fees in the court of common pleas. For all actions in the court of common pleas, thirty seven and a half cents : signing every judgment of court, twelve and a half cents : taking bail, twenty five cents : acknowledging satisfaction, on record, nine cents : taxing and signing a bill of costs, twenty five cents : proof or acknowledgment of a deed before the judges of the court of common pleas, thirty seven and a half cents : for admitting and licensing an attorney, half the fees in such cases allowed to the judges of the General court

Justices of common pleas, their fees.

Judices of the
peace, their
fees.

XIV. Fees of justices of the peace, in or out of sessions. For every warrant in criminal cases, eighteen cents: on every trial of forcible entry or detainer, two dollars and fifty cents: every precept in forcible entry or detainer, thirty seven and a half cents: every bond, or recognizance twenty five cents: administering an oath, twelve and a half cents: every certificate, or order upon act for relief of insolvent debtors, thirty seven and a half cents: every warrant, order, report, or certificate, upon an absconding act, thirty seven and a half cents: every appointment of trustees, thirty seven and a half cents.

Attornies' fees
in common
pleas.

Attornies' fees in the court of common pleas. Warrant of attorney, twelve and a half cents: every necessary motion, twenty five cents: drawing every declaration and all other pleadings, per sheet, each sheet containing seventy two words, at twelve and a half cents: every copy thereof, six cents, per sheet: drawing every notice of trial, copy and serving, twenty eight cents: copy for the judge, and serving, fifteen cents: brief for trial and copy, seventy five cents: attending a judge, on taxing costs, or other necessary business, twenty five cents.

Clerk of ses-
sions, his fees.

XV. Fees for the clerk of the sessions. For taking a recognizance, and drawing it up in form, thirty seven and a half cents; to be paid to the clerk, or other person who does the service: drawing every indictment, and engrossing the same, fifty six cents: receiving, filing and reading the same, eighteen cents: subpoena for each witness, six cents: a venire, or other writ, eighteen cents: entering defendant's appearance, nine cents: an execution, twenty five cents: making up the record, twelve and a

half cents, per sheet : copy thereof, six cents, per sheet, at seventy two words : every order on rule of court, nine cents : entering a nolo prosequi, or cessat processus, eighteen cents : a venire for a jury to enquire of riots, forcible entries, detainers, &c. twenty five cents : drawing and engrossing inquisition, and returning the same, six cents : filing record, twelve and a half cents : entering the panel and swearing the jury, twenty five cents : swearing witness and constable, each, six cents : reading each evidence or petition in court, six cents : taking and entering verdict, twelve and a half cents : entering judgment, and the fine, fifteen cents : entering defendant's confession, fifteen cents : copies of indictments and pleadings, if required, each sheet of seventy two words, six cents : receiving, reading and filing every order, brought to be allowed at the court of sessions, and entering the confirmation and recording the same, as in other cases. per sheet of seventy two words, twelve and a half cents.

XVI. Fees of the Prothonotaries of the court of common pleas. For every writ of Prothonotary's fees in common pleas. *ca-pias*, entering action, and seal, twenty eight cents : a bond given by the plaintiff, when he is not a freeholder, thirty seven and a half cents : filing declaration, six cents : copy of a declaration or other pleadings, if required, per sheet, each sheet containing seventy two words, six cents : a discontinuance, or retraxit, twelve and a half cents : altering the declaration, in ejectment, and admitting a defendant, fifteen cents : entering every motion and rule thereon, twelve and a half cents : copy of every rule, when required, twelve and a half cents : bringing a par-

particular record into court, twenty five cents : receiving and entering verdict, twelve and a half cents : entering a satisfaction on record, twenty five cents : entering judgment, fifteen cents : reading and entering allowance of every habeas corpus, writ of error or certiorari, and the return; twenty five cents : an execution, twenty eight cents : transmit of the record in error, and returning it with the writ, every sheet of seventy two words, six cents : every writ of enquiry, six cents per sheet : entering defendant's appearance, six cents : drawing and filing special bail in or out of court, eighteen cents : filing every plea, replication, rejoinder on other pleading, six cents : a venire, twenty eight cents : receiving and entering the panel, and swearing the jury, eighteen cents : a habeas corpora juratorum, twenty eight cents : subpoena for each witness, six cents : reading every evidence in court, six cents : swearing each witness, six cents : swearing constable, six cents : making up and entering a record of a judgment, twelve and a half cents ; per sheet : engrossing, six cents : copy of a record of a judgment, when required, six cents, per sheet of seventy two words : searching the records within one year, twelve and a half cents : and every year back, six cents : copies of records, per sheet of seventy two words, each, six cents.

Sheriff in the
common pleas,
his fees in civil
matters.

XVII. The Sheriff's fees in the courts of common pleas. For serving a writ, and taking into custody, thirty seven and a half cents : every mile as fixed by law, six cents per mile : every bail bond, thirty seven and a half cents : returning a writ, nine cents : summoning a jury, seventy five cents : attending on view, per day, one dollar : going and returning, one dollar,

per day : serving and returning *scire facias*, thirty seven and a half cents : serving an execution for every three dollars, under three hundred dollars, six cents : and for every three dollars more, three cents : serving a writ of possession, with the aid of the posse comitatus, two dollars and fifty cents : every mile from the place of holding the court, six cents : serving such a writ, without the aid of the posse comitatus, one dollar and twenty five cents : every person committed to the common prison, thirty seven and a half cents : the discharge of every person out of the common prison, thirty seven and a half cents : executing a writ of enquiry, and drawing inquisition, and returning the same with the writ, one dollar and fifty cents : serving summons, twelve and a half cents, for attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner into custody, fifty cents : in *criminal* matters, the like fees in the respective courts as for the like services in civil cases, to be allowed only where the defendant enters a *nolo contendere*, or, on voluntary composition, hath his fine mitigated, or where the services are done at the request of, or for the case or advantage of the defendant or prisoner, or by order of the court.

XVIII. Cryers' fees in the courts of sessions and common pleas. For calling a jury in each cause, twelve and a half cents : calling and swearing every witness, six cents : calling every verdict, nine cents : calling every action, nine cents : ringing the bell for every action, nine cents : discharging every person, by proclamation, nine cents.

XIX. Jury's fees in the courts of sessions and common pleas. Every jurymen, sworn in

His fees in criminal cases.

Cryer's fees in common pleas, and quarter sessions.

Jury's fees in same courts.

each action, twenty five cents : every juror attending a view, per day, fifty cents,

Coroners' fees. *XX. Coroners' fees.* For the view of each body, three dollars : each juryman that sits on the body, twelve and a half cents : for witnesses, the same allowance as in the General court : serving writs, in all cases, the same as is herein before allowed to the sheriff, for the like service : the fees of coroner's inquest shall be certified by the coroner, and paid by the treasurer of the county.

Probate office fees.

XXI. Fees of the probate office. For administering an oath, eighteen cents : for all copies for each folio consisting of one hundred and twenty eight words, eighteen cents : for seal, seventy five cents : for filing, eighteen cents : for a citation, exclusive of seal, fifty cents : for a letter of administration, two dollars and fifty cents : taking and filing a renunciation, and taking proof of renunciation (and which proof the judge of probate is hereby authorized and required to take) fifty cents : where a will, or administration, is contested, for hearing and determining, two dollars : for proving a will, endorsing certificate thereon, recording the same, and filing it, two dollars and fifty cents : for qualifying administrator taking bond, and writing certificate, one dollar and fifty cents : for a citation, when issued, fifty cents : for filing caveat, eighteen cents : for proving a codicil, if proved separately, endorsing certificate, recording the same and filing it, one dollar and fifty cents : for examining and proving an inventory or account, one dollar : for granting administration, with the will annexed, two dollars and fifty cents : for a search, eighteen cents.

XXII. *Recorders' fees.* For recording mortgages, sixteen cents, per sheet of one hundred words; and the like fees for recording all other deeds and instruments in writing: for copies of all records and deeds, twelve cents and a half, per sheet. Recorders' fees

XXIII. *To the person keeping the seal.* For making out and affixing the seal to the commission or appointments of the attorney-general, the treasurer of the Territory, the sheriffs, prothonotaries and recorders, three dollars; for each and every such commission, or appointment, one third part thereof to be to the governour's use: for the commission of a justice of the common pleas, one dollar: for every justice of the peace, named in a commission, fifty cents (one third whereof to the governour's use) and for affixing the seal to any other instrument in writing, except original laws and military commissions, seventy five cents, to his own use. Keeper of the seal, his fees.

XXIV. *To the secretary.* For copies or exemplifications of records, twelve cents, per sheet of one hundred words.. Secretary's fees.

XXV This law shall be construed to extend to all suits or actions already commenced and depending in any courts of record, in this Territory, and wherein the bills of costs are not already taxed. This law applies to suits now depending

XXVI. The judges and justices of their respective courts, shall allow all bills of costs, arising within their courts, according to the table of fees, herein established, and not otherwise. No other fees to be taken.

XXVII. All and every person and persons shall be allowed to carry on, defend and try his, her and their suit, or action, in any court of record, where cognizable. Persons may sue or defend in any court.

Courts to allow
compensation
for services
not here notice-
ed.

Counsellors &
attorneys, how
qualified to
plead.

Their examina-
tion and

Oath

XXVIII. For any services actually performed and not enumerated in this law, the judges and justices, respectively, shall certify, or tax so much for such services, as the same are really worth, and no more.

XXIX. No counsellor, nor attorney at law, shall be admitted to make any plea at the bar of any court (except in his own case) without taking the following oath, or affirmation, in open court; nor until he shall have been examined, touching his legal abilities, by a judge of the General court, and obtained from him a certificate, that the party examined hath sufficient legal abilities, and had produced one or more certificates, in writing, to prove the goodness of his moral character:

You shall behave yourself in the office of counsellor at law (or attorney, as the case may be) within this court, according to the best of your learning, and with all good fidelity, as well to the court, as to the client. You shall use no falsehood, nor delay any person's cause for lucre or malice: (So help you God)

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *INTESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.



A LAW for establishing Orphan's courts.. *Adopted from the Pennsylvanian code, and published at Cincinnati, the sixteenth day of June; one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Clevess Symmes and George Turner, judges, in and over the said Territory.*

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

SECT. I. THE justices of the court of General quarter-sessions of the peace, in every county, or so many of them, as are or shall be, from time to time, enabled to hold those courts, shall have full power, and are hereby empowered, in the same week that they are or shall be, by law, directed to hold the same courts (or at such other times as they shall see occasion) to hold and keep a court of record, in each of the said counties; which shall be stiled, *The Orphans' court*; and to award process, and cause to come before them, all and every such person and persons who, as guardians, trustees; tutors, executors, administrators, or otherwise, are or shall be intrusted with, or anywise accountable for, any lands; tenements, goods, chattels or estates belonging, or which shall belong, to any orphan or person under age; and cause them to make and exhibit, within a reasonable time, true and perfect inventories and accounts of the said estates: and to cause and oblige the judge of probate, or such person or persons as, for the time being, shall have the power of probates of wills, and granting letters of administration, in this territory, or their deputies, upon application made in

Orphan's court established.

Justices of the peace to hold it.

Their powers and duties over guardians, trustees, tutors, executors administrators &c.

Also over the judge of probate &c.

May order payment of charges arising in execution of this law, according to discretion.

Officers misbehaving as to minors, &c. how accountable.

Letters of administration, granted without surety, to be void ;

The officer to granting them, to be liable to any damages arising therefrom.

And the party acting under them, deemed executor in his own wrong.

that behalf, to bring or transmit into the said Orphans' court, true copies or duplicates of all such bonds; inventories, accounts, actings and proceedings, whatsoever, now or hereafter remaining or being in the respective offices, or elsewhere within the limits of their authority, as do or shall concern or relate to the said estates, or any of them : and to order the payment of such reasonable fees for the said copies, and for all other charges, trouble and attendance, which any officer or other person shall necessarily be put upon, in the execution of this law, as they shall think equitable and just. And if, upon hearing or examination thereof, it appears to the justices of the said court, that any of the said officers have misbehaved themselves, to the prejudice of any minor, or others concerned for them, as aforesaid, the said justices are hereby required to certify the same, accordingly ; which shall be good evidence, for the party grieved, to recover his damages at common law.

II. And where any letters of administration shall be granted, and no bond with sureties given, as the law in that case requires, such letters of administration shall be, and are hereby declared to be void and of none effect : and the officer or person that grants the same, and his sureties, shall be, ipso facto, liable to pay all such damages as shall accrue to any person or persons, by occasion of granting such administration : And the party to whom the same shall be so granted, may be sued, as, executor in his own wrong ; and shall be so taken and deemed, in any suit to be brought against him for or by reason of his said administration ; or, if upon such examination it appears, that any of the said officers have not taken suffi-

cient sureties, where the administrators may not be of ability to answer, or make good, the value of what the decedent's estate doth or shall amount to ; then the said justices of the Orphans' court are hereby required and empowered, to cause all such administrators to give better security to the judge of probate, by bonds, in manner and form as the law prescribes, and under such penalties, and with such sureties as the said justices shall approve of, after they have heard the objections of creditors, or persons concerned, if any such be made during the sitting of the court. And if it appear that any of the said administrators have embezzled, wasted or misapplied, or suffered so to be, any part of the decedent's estates, or shall neglect or refuse to give bonds, with sureties, as aforesaid; then, and in every such case, the said justices shall, forthwith, by their sentence, revoke or repeal the letters of administration granted them; and thereupon the said judge of probate, or other person then empowered to grant administrations, as aforesaid, where such occasion happens, is hereby required to grant letters of administration to such person or persons, having right thereunto, as will give bonds in manner and form, aforesaid; who may have their actions of trover or detinue, for such goods or chattels as came to the possession of the former administrators; and shall be detained, wasted, embezzled or misapplied by any of them, and no satisfaction made for the same:

III. When any complaint is made to any of the said justices, that an executrix, having minors of her own, or being concerned for others, is married, or like to be espoused to another husband, without securing the minors' portions, or estates;

M

Power of the court where insufficient security is taken;

Also in case of waste or embezzlement.

When other letters shall be granted, and bond taken.

How minors' estates are to be secured on complaint, that executrix, is again married or likely to marry;

Or where executor is likely to be insolvent, &c.

or that an executor, or other person, having the care and trust of minors' estates, is like to prove insolvent, or shall refuse or neglect to exhibit true and perfect inventories, or give full and just accounts of the said estates come to their hands, or knowledge; then; and in every such case, the same justices are hereby required, forthwith, to call an Orphans' court; who shall cause all and every such executors and trustees, as also such guardians or tutors of orphans or minors as have been formerly appointed, or shall, at any time hereafter, be appointed by the said court, to give security to the orphans or minors, by mortgage or bonds, in such sums, and with such sureties; as the said courts shall think reasonable: conditioned for the performance of their respective trusts, and for the true payment or delivery, to and for the use and behoof of such orphans as they are concerned for, or such as shall legally represent them, the legacies, portions, shares and dividends of estates, real and personal, belonging to such orphans or minors, so far as they have assets; as also for their maintainance and education as the said court shall think fit to order, for the benefit and best advantage of such orphans, as is usual in such cases.

Executors, &c. by leave of the court, placing minors' money at interest, not to be accountable in case of loss.

IV, Any of the said executors, administrators, guardians or trustees, may, by the leave and direction of the Orphans' court, put out their minors' money to interest, upon such security, as the court shall allow of: and if such security, so taken, *bona fide*, and without fraud, shall happen to prove insufficient, it shall be the minors' loss. But if no person who may be willing to take the said money at interest with such security as can be found by the person so, as aforesaid, concern.

ed for the minors, nor by any others; then the said executors, administrators, guardians or trustees, shall, in such cases, be responsible for the principal money, only, until it can be put out at interest, as aforesaid.

But otherwise, while in their own hands.

V *Provided always*, That the day of payment of the money, so to be put out to interest, at any one time, shall not exceed twelve months, from the date of the obligation, or other security given for the same; and so *toties quoties*, when and so often as the said money shall be paid in, or come to the hands of the said executors, guardians or trustees.

Term of monies so lent, not to exceed 12 months.

VI. *Provided also*, That no executors, administrators or guardians, shall be liable to pay interest, but for the surplusage of the decedent's estate, remaining in their hands or power, and belonging to the minors, when the accounts of their administration are, or ought to be, settled and adjusted before the said Orphans' courts, or judge of probate respectively.

Executors, &c, how liable to interest.

VII. The justices of the said Orphans' court, in the said respective counties, shall have full power and authority to exercise all the powers, authorities and jurisdictions granted, or mentioned or intended to be granted, to the Orphans' court, in and by a law of this Territory, entitled, "a law for the better settling of intestates' estates," and to do, execute and perform, all such matters and things as the Orphans' court, in the said law, or in any other law of this Territory mentioned, might or ought to have done or performed, according to the true intent and meaning thereof; with power, also, to admit orphans or minors, when, and as often as there may be occasion, to make choice of guardians or tutors and to ap-

Further power of the court.

May appoint guardians tutors, &c.

And bind mi-
nors to trades,
&c.

point guardians, next friends or tutors, over such as the said court shall judge too young, or incapable, according to the rules of the common law, to make choice themselves: and, at the instance and request of the said executors, administrators, guardians or tutors, to order and direct the binding or putting out of minors, apprentices to trades, husbandry, or other employments, as shall be thought fit. And all guardians and prochein amis, who shall be appointed by any of the said Orphans' courts shall be allowed and received, without further admittance, to prosecute and defend all actions and suits relating to the orphans or minors, as the case may require, in any court or courts of this Territory.

Power of the
court in case of
contempts.

VIII. If any person or persons, being duly summoned to appear in any of the said Orphans' courts, ten days before the time appointed for their appearance, shall make default, the justices may send their attachments for contempts, and may force obedience to their warrants, sentences and orders, concerning any matter or thing cognizable in the same courts, by imprisonment of body, or sequestration of lands or goods.

Appeal to the
General and
circuit courts.

IX, *Provided always*, That if any person or persons shall be aggrieved, by any definitive sentence or judgment of the said Orphans' court, it shall be lawful for them to appeal from the same to the General or circuit courts: which appeal, upon security given; as is usual in such cases, shall be granted accordingly.

Discharges or
receipts given
by executor,

X, If any of the said executors, administrators, guardians or trustees, did or shall receive and give discharges for any sums of money, debts rents or duties, belonging to any orphan,

or minor for whom they are or were intrusted ; it is hereby declared, that all such discharges or receipts shall be binding to, and upon, the orphan or minor, when he or she attains to full age ; and shall be effectual in law to discharge the person or persons that take the same.

&c. shall bind minors and orphans.

XI. When any of the said minors attain to their full age, and the person or persons so, as aforesaid, intrusted or concerned for them, having rendered their accounts to the Orphans' court, according to law, and paid the minors their full due ; then such minors shall acknowledge satisfaction in the said court : but in case any of them refuse so to do, then the said court shall certify how the said persons concerned have accounted and paid ; which shall be a sufficient discharge to the guardians or tutors, and to the trustees, executors or administrators, who shall so account and pay : and, thereupon, all bonds entered into, for payment of such Orphans' portions, shall be delivered up and cancelled.

Minors attaining full age, how they shall act :

But, on refusal how the court shall act.

XII. *Provided always*, That none of the said Orphans' courts shall have any power to order or commit the tuition or guardianship of any orphans or minors ; or bind them apprentices to any person or persons, whose religious persuasion shall be different from what the parents of such orphan, or minor professed, at the time of their decease ; or against the minors' own mind or inclination, so far as he or she has discretion and capacity to express, or signify the same ; or to persons that are not of good repute, where others of good credit, and of the same persuasion, may or can be found.

No. minor, nor orphan to be put under the control of those of different religions.

XIII. *Provided also*, That the justices of the said courts, and all others concerned in the ex-

Power of the court as to the

construction of
wills, &c

execution of this law, shall have due regard to the direction of all last wills, and to the true intent and meaning of the testators, in all matters and things that shall be brought before them concerning the same.

Bonds given to
or by the judge
of probate,
how and to
whom liable.

XIV. All such bonds or obligations, as are, by this or any other law of this Territory, directed or required to be given to the judge of probate; and all such bonds as, by any law are directed, to be given by the judge of probate, or by any other officers or persons in office, for the due execution of his or their respective offices or employments, are hereby declared to be to and for the use of, and in trust for, the person or persons concerned; and the benefit thereof shall be extended, from time to time, for the relief and advantage of the party grieved, by the misfeazance or nonfeazance of the officers that did or shall give the same.

When such
bonds are in
suit, and judgment had, no
execution shall
issue before a
scire facias is
sued out

XV. And when any of the said bonds shall be put in suit, and judgment thereupon obtained, the judgment shall remain in the same nature the bonds were: and no execution shall issue thereupon, before the party grieved shall, by writ of scire facias, summon the person or persons against whom the said judgment is obtained, to appear and shew cause, why execution shall not issue upon the said judgment. And if the party grieved shall prove what damages he sustained, and thereupon a verdict be found for him, the court, where such suit is, shall award execution for so much as the jury shall then find, with costs, and no more. And the former judgment is hereby declared still to remain cautionary, for the satisfaction of such others as shall

Damages and
costs, how to
be awarded on
verdict

Former judgment to stand
cautionary.

legally prove themselves damnified, and recover their Damages, in manner aforesaid.

XVI. The said judge of probate, and all others, in whose hands the said bonds shall be deposited or lodged, are hereby required to give any person injured, and requesting the same, a true copy of any of the said bonds; he paying thirty seven and a half cents, for the same, and to produce the original in court, upon any trial that shall be had for the breach of any of them, if required by the court. And if the person, in whose hand the said bonds shall be lodged or come to, shall refuse or delay to give copies thereof, and produce the original in court, as aforesaid; he or they shall forfeit; and pay to the party grieved, treble damages; to be recovered against the officer that gave such bonds, or his sureties, by action of debt, bill, plaint or information, in any court in the Territory, where no essoin, protection or wager of law, or any more than one imparlance, shall be allowed.

Judge of probate, &c to give copies, on demand, of such bonds.

Fee thereon.

Officer, refusing copies, to pay treble damages.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *INTESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

A LAW for the settlement of Intestates' Estates. Adopted from the Pennsylvanian code, and published at Cincinnati, the sixteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, 'governour. and John Cleves Symmes and George Turner, judges, in and over the same.

Administrators
 to give bond.

Sect. I. **T**HE judge of probate, having power to grant letters of administration of the goods and chattels of persons dying intestate, within this Territory, shall upon granting such letters of administration, take sufficient bonds, with two or more able sureties (respect being had to the value of the estate) in the name of the judge of probate, with the conditions in manner and form following, mutatis mutandis, viz.

Condition
 thereof.

II. *The condition of this obligation is such, that if the within bounden, A. B. administrator of all and singular the goods, chattels and credits of C. D. deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of him the said A. B. or into the hands and possession of any other person or persons, for him; and the same so made, do exhibit, or cause to be exhibited into the office of the court of probate, in the county of*
at or before the day of

next ensuing; and the same goods, chattels and credits, and all other the goods, chattels and credits, of the said deceased, at the time of his death, which, at any time after, shall come to the hands or possession of the said A. B. or into the hands and possession of any other person, or persons, for him, do well and truly administer, according to law, and further do make, or cause to be made, a true and just account of his said administration, at or before the day of and all the rest and residue of the said goods, chattels and credits, which shall be found remaining upon the said administrator's account (the same being first examined and allowed of by the Orphans' court, of the county where the said administration is granted) shall deliver and pay unto such person or persons, respectively, as the said Orphans' court, in the respective county, by their decree or sentence, pursuant to the true intent and meaning of law, shall limit and appoint. And if it shall hereafter appear, that any last will and testament was made by the said deceased, and the executor or executors therein named do exhibit the same into the said probate office, making request to have it allowed and approved accordingly; if the said A. B. within bound, being thereunto required, do render and deliver the said letters of administration, approbation of such testament being first had, and made in the said probate office; then this obligation to be void and of none effect, or else to remain in full force and virtue.

III. Which bonds are hereby declared to be good, to all intents and purposes, and pleadable in any courts of justice. And also the said Orphans' court, in the respective counties shall and

Such bond is
pleadable in
any court.

Orphans' court
may oblige ad-
ministrators to
account.

Further power
and duty of
that court.

Children of in-
testates to share,
equally, the
estate.

When no legal
representa-
tives, wife to
have one half ;
the other to
next of kindred.

Concerning

may, and are hereby enabled to proceed and call such administrators to account, for and touching the goods of any person dying intestate : and upon hearing, and due consideration thereof, to order and make just and equal distribution of what remaineth clear after all debts, funeral and just expenses of every sort, first allowed and deducted according to the ordinance of Congress, for the government of the Territory, and to the rules and limitations hereafter set down : and the same distributions to declare and settle, and to compel such administrators to observe and pay the same, by the due course of the laws of this Territory ; saving to every one supposing him or themselves aggrieved, their right of appeal to the General or circuit courts.

IV. *Provided always*, That in case any child who shall have any estate by settlement, from the intestate, or shall be advanced by the said intestate, in his life time, by portion, not equal to the share which will be due to the other children, by such distribution as aforesaid ; then so much of the surplusage of the estate of such intestates, to be distributed to such child or children as shall have any land, by settlement from the intestate, or were advanced in the life time of the intestate, as shall make the estate of all the said children to be equal, as nearly as can be estimated. And in case there be no children, nor any legal representatives of them ; then one moiety of the said estate to be allotted to the wife of the intestate ; and the residue of the said estate, to be distributed, equally, to every of the next kindred, of the intestate, who are in equal degree, and those who legally represent them. *Provided*, That there be no representatives ad-

mitted among collaterals, after brothers' and sisters' children: and in case there be no wife; then all the said estate to be distributed equally to and among the children: and in case there be no child, then to the next of kin in equal degree, of or unto the intestate, and their legal representatives, as aforesaid; and in no other manner whatsoever.

collateral branches.

When no wife nor child, how distribution to be made.

V. *Provided also*, And to the end, that adue regard be had to creditors, that no such distribution of the goods of any person dying intestate, be made, till after one year be fully expired, after the intestate's death; and that such and every one to whom any distribution and share shall be allotted, shall give bond, with sufficient sureties, in the said Orphans' court: that if any debt or debts, truly owing by the intestate, shall be afterwards sued for and recovered, or otherwise duly made to appear; that then, and in every such case, he or she shall respectively refund and pay back to the administrator, his or her rateable part of that debt or debts, and of the costs of suit and charges of the administrator, by reason of such debts, out of the part and share so, as aforesaid, allotted to him or her; thereby to enable the said administrator to pay and satisfy the said debt or debts so discovered, after the distribution made, as aforesaid.

Distribution of personal estate not to be made within the year.

Party sharing estate, shall give bond to refund &c in Orphans' court.

VI. *Provided always*, That in all cases where, by law, administration with the will annexed ought to be granted, the judge of probate shall grant administration accordingly.

In what cases judge of probate may grant administration.

VII. If any person or persons shall die intestate, being owners of lands or tenements within this Territory at the time of their death, and leave lawful issue to survive them, but not a suf-

Where personal estate is insufficient, Orphans' court may order the real to be sold for the payment of debts, education and maintainance of children:

Except estate under marriage settlement.

Inventory to be first exhibited and other proceedings had.

sufficient personal estate to pay their just debts and maintain their children; in such case, it shall be lawful for the administrator or administrators of such deceased to sell and convey such part or parts of the said lands or tenements, for defraying their just debts, maintainance of their children, and for putting them apprentices, and teaching them to read and write, and for improvement of the residue of the estate, if any be, to their advantage, as the Orphans' court of the county, where such estate lies, shall think fit to allow, order and direct, from time to time.

VIII. *Provided always*, That no lands or tenements, contained in any marriage settlement, shall, by virtue of this law be sold or disposed of, contrary to the form and effect of such settlement: nor shall any Orphans' court, allow or order any intestate's lands or tenements to be sold, before the administrator, requesting the same, doth exhibit two or more true and perfect inventories and conscionable appraisement of all the intestate's personal estate whatsoever; as also a just and true account, upon his or her solemn oath or affirmation, of all the intestate's debts which shall be then come to his or her knowledge; and if thereupon it shall appear to the court, that the intestate's personal estate will not be sufficient to pay the debts and maintain the children, until the eldest of them attains the age of twenty one years, or to put them out to be apprentices, and teach them to read and write then & in every such case, and not otherwise, the court shall allow such administrator to make public sale of so much of the said lands, as the court, upon the best computation they can make of the value thereof: shall judge necessary for the pur-

poses aforesaid; reserving the mansion-house and most profitable part of the estate till the last. But before any such sale be made, the court shall order so many writings to be made by the clerk, upon parchment or good paper, as the court shall think fit, to signify and give notice of such sales, and of the day and hour when, and the place where the same will be, and what lands are to be sold, and where they lie: which notice shall be delivered to the sheriff or constables, in order to be fixed in the most public places of the county or city, at least ten days before sale; and the sheriffs or constables are hereby required to make publication accordingly: and the administrator that makes such sale shall bring his or her proceedings therein to the next Orphans' court, after the sale made. And if it shall happen that any lands be sold, by virtue of this law for more than the court's computation of the value thereof: then the administrator shall be accountable for the same, as by this law is required for intestates' personal estates.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW to License and Regulate Taverns. *Adopted from the Pennsylvanian code, and published at Cincinnati, the seventeenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Publicans to be licensed by the governour on recommendation of the General quarter sessions, under what penalties.

Sec. I. **F**OR preventing disorders, and the mischiefs that may happen by multiplicity of public houses of entertainment, no person or persons shall, in future, have or keep any public inn, tavern, ale-house; or dram-shop, or public house of entertainment, in any county, town or place within the Territory; unless such person or persons shall be first recommended by the justices, in their courts of General quarter sessions of the peace for the counties respectively, to the governour, for his license for so doing, under the penalty of one dollar per day, for every day on which the party offending shall keep such public inn,, tavern, alehouse, dram-shop or public house of entertainment; to be recovered with costs, before any two justices of the peace, in an action *Qui Tam*: two thirds whereof shall go to the use of the poor of the township, where the offence may be committed, and the other third to the prosecutor suing for the same to effect.

II. No person, licensed as aforesaid, shall knowingly suffer any disorder, as drunkenness, or unlawful games, whatever, in such his, her or their houses, under the penalty of five dollars for the first offence; to be recovered as aforesaid; and for the second offence, to be suppressed by the justices of the said respective courts: and no such inn-keeper, tavern-keeper, or other person as aforesaid, shall presume to continue such public house of entertainment, of his own accord, after such suppression, or the expiration of his license, without new license as aforesaid, under the penalty of one dollar per day, as aforesaid, to be recovered in manner aforesaid; two third parts whereof shall go to the use of the poor of the respective townships or place, where the offence shall be committed; and the remaining third to the party prosecuting.

No disorderly
conduct or un-
lawful games,
on pain of sup-
pression and
fine.

III. All tavern-keepers and inn-keepers, as aforesaid, shall provide and furnish good entertainment and accommodations for man and horse; under the penalty of five dollars, to be recovered in manner and for the uses aforesaid.

Good entertain-
ment to be fur-
nished.

IV The governour shall have & receive, for every license by him granted, pursuant to this law, to any person, to sell wine and other liquors, the sum of four dollars. And the person obtaining such license shall further pay to the clerk of the General quarter sessions, in open court, on receiving the recommendation required by law, the sum of twelve dollars, for the use of the county: and it shall be the duty of the said clerk to make, in court, a fair and accurate entry in a book or books, to be kept for that purpose, of every sum so received: and shall pay the county's part thereof, into the county treasury, with

Fees on every li-
cense, four dol-
lars to the go-
vernour, and
twelve to the
county.

Duty of the
clerk of quarter
sessions herein.

in twenty days after the rising of the said court, taking the treasurer's receipt, as his voucher for such payment.

V. *Provided always*, That where the governour, or the person or persons he may choose to appoint, for issuing such licenses, shall in any case, see fit to refuse the same, the party so paying for such license shall have his, her or their monies returned by the clerk or treasurer, as the case may be.

VI. No recommendation shall be issued by the justices of the respective counties in order to obtain license from the governour, for the keeping a public house, as directed by this law, before the person or persons desiring such recommendation, shall become bound to the governour of the Territory, with security, if required, in any sum not exceeding three hundred dollars; that he, she or they, on obtaining such license, shall, at all times, be of good behaviour, and observe all the law and ordinances which are or shall be made, or be in force, relating to inn-keepers or tavern-keepers within the Territory. And whoever shall keep a tavern, inn or public house of entertainment, before he or she hath given bond, as aforesaid, such person shall suffer the same penalty, as if the same had been done without license.

Bond to the
governour.

No person un-
less qualified by
this law shall
sell liquors,
under certain
quantities &c.

VII. No person or persons, other than such as are or shall be qualified so to do, by this law, shall presume under any colour or pretence, to sell, barter with, or deliver any wine, rum, brandy or other spirits, or strong water, beer, cyder or any mixed or strong liquors, to be used or within his, her or their houses, yards or sheds, or to be, with his, her or their knowledge, pri-

vity or consent, used or drank in any shelters, places or woods, near or adjacent to them, by companies of servants, slaves or others; nor to retail or sell, to any person or persons, any rum brandy or other spirits, or strong water, by less quantity or measure than one quart; nor any wine, by less quantity or measure than one quart; nor any beer, ale or cyder, by any quantity less than two gallons; the same liquors being respectively delivered to one person and at one time, without any collusion or fraud, contrary to the true intent and meaning of this law. Every person, Penalty there-
on. offending herein, shall pay a fine of twelve dollars, on conviction by indictment, to the use of the proper county.

VIII. No person or persons, keeping a public house or inn, shall trust or give credit to any person, for liquors, or any other inn or tavern reckonings, in any sum exceeding three dollars; under the penalty of forfeiting and losing such debt. And if any inn-holder or keeper of public house, or any retailer of liquors, shall receive, Innholders not
to give credit
above 3 dollars. harbour, entertain or trust, any minor under the age of twenty one years, or any servant, knowing them or either of them to be such; or after having been cautioned or warned to the contrary by the parent, guardian, master or mistress, of such minor or servant, in the presence of one or more credible witnesses, such inn-holder, keeper of public house, or retailer of liquors, so offending, shall, for the first or second offence, being duly convicted thereof, forfeit and pay the sum of three dollars, for every such offence, over and above the loss and forfeiture of any debt such minor or servant shall or may contract for liquors or entertainment: and up-

Retailers and
publicans not
to trust nor har-
bour minors,
servants, &c.
on forfeiture
&c.

on conviction for the third offence, the license obtained by such offender is hereby declared null and void; and the person so repeatedly offending, shall forfeit and pay the sum of twelve dollars on conviction by indictment, to the use of the county, and be forever after incapable of keeping a public house or inn within this Territory.

Penalty on selling to bond-servants and slaves.

IX. No person, shall by any means presume to furnish, supply or sell to any bond-servant or slave, any rum, brandy, spirits, or any other strong liquors or strong water, mixed or unmixed, either within or without doors; nor shall receive, harbour or entertain any slave or servant, in or about his, her or their houses; without special license had and obtained under the hand of the master or mistress of such slave or bond servant respectively; under the penalty, for the first offence, of three dollars, and for every succeeding offence, four dollars; to be recovered before any one justice of the peace of the county where the offence is committed, on the proof of one or more credible witnesses; or upon the view of any justice within the respective counties, where the fact shall be committed.

What actions brought under this law, shall abate.

X. If any person or persons, keeping a public house or inn, or retailing liquors, as aforesaid, shall trust or credit any person for liquors retailed, or other expenses, above three dollars, as aforesaid; or shall presume to sue any such person; or shall arrest or attach any bond servant, for any debt contracted for liquors or accommodations, knowing such person to be a servant, and after he, she or they have been warned or cautioned not to entertain such bond servant, as aforesaid; all such actions and suits shall abate;

and the person sued, and the master or mistress, in behalf of such bond servant, or the servant, him or herself being sued as aforesaid, shall and may plead this law in bar; and thereupon, the plaintiff in such suit shall become non suit, and pay double cost

XI. The several fines imposed by this law shall, on conviction, be levied by execution on the offender's goods; or his, her or their persons shall be committed to the county jail, until the same be paid. And all fines and forfeitures recovered by virtue hereof, which are not otherwise appropriated by law, shall be applied in manner following, That is to say; the one moiety thereof, shall be paid to the father, mother, guardian, master or mistress, of the minor or servant entertained, as aforesaid, or to the servant himself as the justice of the peace may direct: the other moiety shall be paid to the overseers of the poor of the township or place, where the offence is committed, for the use of such poor.

Disposition of
the several
fines.

XII. Nothing herein contained shall extend to persons now holding licenses under the existing laws, until the expiration of such licenses.

Persons holding
licenses not
now expired,
are not within
the purview
hereof.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW establishing the Recorder's Office *Adopted from the Pennsylvania code, and published at Cincinnati, the eighteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Recorders' Offices established

Sect. I. THERE shall be an office of record, in each and every county; which shall be called and stiled, *the Recorder's Office*, and shall be kept in some convenient place in the said respective counties: and the recorder shall duly attend the service of the same, and at his own proper costs and charges, shall provide parchment, or good large books of royal or other large paper, well bound and covered; wherein he shall record, in a fair and legible hand, all deeds and conveyances which shall be brought to him, for that purpose, according to the true intent and meaning of this law.

Recorders' duties.

What words in deeds shall pass the fee, &c.

II All deeds to be recorded, in pursuance of this law, whereby any estate of inheritance, in fee simple, shall hereafter be limited to the grantor and his heirs, the words grant, bargain, sell, shall be adjudged an express covenant to the grantee, his heirs and assigns; to wit: that the grantor was seized of an indefeasible estate, in fee simple, freed from incumbrances done or suffered from the grantor (except the rents and

services that may be reserved as also for quiet enjoyment against the grantor, his heirs and assigns: unless limited by express words contained in such deed, and that the grantee, his heirs, executors, administrators and assigns, may, in any action, assign breaches, as if such covenants were expressly inserted. Provided always, that this law shall not extend to leases at rack rent, or to leases not exceeding one and twenty years, where the actual possession goes with the lease.

Proviso.

III. If any person shall forge any entry of the acknowledgments, certificates or indorsements, whereby the freehold or inheritance of any man may be charged, he shall be liable to the penalties against forgers of false deeds. And if any person shall perjure himself, in any of the cases herein above mentioned, he shall incur the like penalties as if the oath, or affirmation, had been in any court of record.

Punishment on forging acknowledgments &c.

Perjury.

IV. Every mortgagee of any real or personal estates, in this Territory, having received full satisfaction and payment of all such sum and sums of money as are really due to him, by such mortgage, shall, at the request of the mortgager; enter satisfaction upon the margin of the record of such mortgage, recorded in the said office; which shall, forever thereafter discharge, defeat and release the same; and shall, likewise, bar all actions brought or to be brought thereupon.

Satisfaction of mortgages to be entered.

V. And if such mortgagee, by himself or his attorney; shall not, within three months after request and tender made for his reasonable charges, repair to the said office. and there make acknowledgment, as aforesaid: he, she or they neglecting so to do, shall, for every such offence forfeit and pay unto the party or parties aggrieved, any sum

Penalty on neglect

not exceeding the mortgage-money: to be recovered in any court of record, by bill, plaint or information.

Every county
to have a re-
corder.

He to give se-
curity, in 1500
dollars.

And file the
bond with the
secretary,

penalty on re-
corder offici-
ating otherwise.

Deeds to be ac-
knowledge, &
recorded, and
how.

VI. There shall be appointed a recorder in every county now or hereafter, to be erected. But, before any of the said recorders enter upon their respective offices, they shall become bound to the governour and his successors, with one or more sufficient sureties, in a bond for fifteen hundred dollars; conditioned for the true and faithful execution of his office, and for delivering up the records and other writings, belonging to the said office, whole, safe and undefaced, to his successor in the said office. Which said respective bonds, shall be filed in the secretary's office, and there safely kept, in order, to be made use of for making satisfaction to the parties that shall be damaged or aggrieved, as is or shall be, in such cases directed by law.

VII. And no recorder, whatsoever, now or hereafter appointed, as aforesaid, shall enter upon, or officiate in his said office, before he hath given such security, as aforesaid; upon pain of forfeiting the sum of three hundred dollars: one half to the Territory, and the other half to him or them that shall sue for the same, to be recovered as aforesaid.

VIII. All deeds and conveyances, which shall be made and executed within this Territory, of or concerning any lands, tenements or hereditaments therein, or whereby the same may be any way effected, in law or equity, shall be acknowledged by one of the grantors or bargainors, or proved by one or more of the subscribing witnesses to such deed, before one of the judges of the General-court, or before one of the justices of

the court of common pleas of the county where the lands conveyed do lie : and shall be recorded in the Recorder's Office of the county, where such lands or hereditaments are lying and being, within twelve months after the execution of such deeds or conveyances : and every such deed and conveyance that shall, at any time after the publication hereof, be made and executed, and which shall not be proved and recorded, as aforesaid, shall be a judged fraudulent and void against any subsequent purchaser, or mortgagee, for valuable consideration : unless such deed or conveyance be recorded, as aforesaid, before the proving and recording of the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim.

May be avoided if not recorded within a year.

LX. Where the grantors and witnesses of any deed or conveyance, are deceased, or cannot be had, it shall and may be lawful to and for the judges of the General court, or any justice of the court of common pleas of the county where the lands lie, to take the examination of any witness or witnesses, on oath or affirmation, to prove the hand-writing of such deceased witness or witnesses : or where such proof cannot be had, then to prove the hand-writing of the grantor or grantors : which shall be certified by the judge or justice, before whom such proof shall be made : and such deed or conveyance, being so proved, shall be recorded as is usual, in other cases directed above by this law.

How proved, where grantor or witnesses are dead.

XI. Every recorder shall keep a fair book, in which he shall immediately make an entry of every deed or writing, brought into his office to be recorded ; mentioning therein the date, the parties, and the place where the lands, tenements or hereditaments, granted or conveyed by the said

Duties of the recorders.

deed or writing, are situate; dating the same entry on the day in which such deed, or writing was brought into his office; and shall record all such deeds and writings, in regular succession, according to their priority or time in being brought into the said office; and shall also, immediately, give a receipt to the person bringing such deed, or writing, to be recorded, bearing date on the same day with the entry, and containing the abstract aforesaid: for which entry and receipt, he shall take or receive no fee or reward, whatever. And if any recorder shall record any deed, or writing, before another first brought into his office to be recorded, or in any other manner than is herein directed; or shall neglect or refuse to make such an entry, or to give such a receipt as is herein before directed: or shall directly, or indirectly, take or receive any fee or reward for such entry and receipt, or either of them: he shall forfeit and pay, for every such offence, a sum not exceeding three hundred, nor less than one hundred dollars: one half to the use of the Territory, and the other half to him or them that shall sue for the same: to be recovered in any court of record, by action of debt, bill or plaint, wherein no essoin, protection or wager of law, or more than one imparlance, shall be granted,

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. YMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO.



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW for raising County Rates and Levies. *Founded on, and Adopted from the Pennsylvanian code, and published at Cincinnati, the nineteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner judges, in and over the said Territory:*

Sect. I. **T**HREE commissioners shall be appointed in every county, in the following manner, to carry this law into effect; and the eldest or first of them named on the list, and so onward, shall be successively changed, by a new commissioner being appointed, yearly in his stead.

There shall be three commissioners in every county,

II. The justices of the court of General quarter-sessions of the peace, at their first general sessions, next after the first day of January, yearly and every year, on the first day of the term, and next after their having sworn and charged the grand jury, shall, in every county, proceed, to nominate and appoint three discreet and reputable freeholders of the county; who shall serve in the capacity of commissioners for the county, for one year from the time of their appointment: And the justices of the peace for the several counties, in their said general sessions, shall, in like manner, yearly and every year afterwards, appoint

To be appointed yearly by the justices in quarter-sessions

one new commissioner in every county; who shall supersede the first named commissioner for the preceding year,

Affessors of
townships how
to be chosen,

III. The free male inhabitants of the several townships shall, on the third Tuesday in November. yearly and every year, assemble at some convenient and best inhabited part of every township, to be pointed out by the constable, and elect by ballot, viz, by writing on a piece of paper, the name of one person, who he prefers to be assessor of the township for the year ensuing, and delivering the same to the three judges of the election, to be previously chosen, viva voce, by the said inhabitants, so assembled: which ballot the said judges, or one of them, shall receive and keep safe in some box, or close vessel, until all the ballots tendered to them, or any of them, that day, are received. And on examination of the ballots, the person having the greatest number of votes, being a freeholder of good fame, shall be considered, respected and attended to, as the assessor of such township, for the year ensuing. And a certificate of the election of such assessor, in every township, shall be immediately made out and signed by the three judges of the election; and by, at least, six more freeholders: and they shall return the same to the justices, at their general sessions of the peace, in every county, held next after such election. Which return shall be entered on record, by the clerk of such sessions, in their minute book.

IV. Before any of the said commissioners and assessors, so appointed and chosen, shall take upon them the respective duties and services, by this law required, they shall be qualified by oath, or affirmation, in the form following, viz,

You (naming the person) shall well and truly cause the debts of the county to be speedily ad-justed, and the rates and sums of money, by law imposed, to be duly and equally assessed and levied, according to the best of your skill and knowledge; and therein you shall spare no person for favor or affection, nor grieve any person for hatred or ill will: So help you God. Which qualification, or engagement, any two or more of the justices of the peace, in the proper county where such assessments are to be made, shall have power, and are hereby required, under the penalty of six dollars a piece, to administer when called upon: And the said qualifications shall be put in writing, and signed by those who take them, and certified by the justices, and filed by the clerks of the sessions, along with the return of the persons elected, as aforesaid, as assessors.

Oath of commissioners and assessors:

By whom administered, and filed.

V. *Provided always.* That when the inhabitants of any of the said townships refuse or neglect, for the first year, to choose assessors according to the directions of this law; then and in every such case, the justices of the peace, in the General court of quarter sessions, shall appoint an assessor, or assessors, for the delinquent township or townships; and, in every year after the first, the assessor who officiated the year next preceding such neglect, shall continue to officiate in their respective stations, until another election, be made, according to the directions of this law.

When justices in session may appoint assessors.

VI. The said commissioners and assessors, or a majority of them, as soon as conveniently they can after they are qualified as aforesaid, shall annually meet at the place where the quarter sessions, and other courts are usually held; and then and there, or at such other times and places as the

Commissioners and assessors, shall audit the county accounts.

And affects monies for building and repairing public works, and the destruction of wild animals.

commissioners, or a majority of them, may then after appoint, shall calculate the public debts and charges of the said respective counties, allowing all just debts and demands which now are, or hereafter shall be, chargeable upon the said respective counties; and shall, from time to time, adjust and settle the demands and sums of money, which justice and public convenience require should be raised, yearly, to defray the charges of building and repairing of court-houses, prisons, work-houses, bridges, and causeways at the end of bridges, or for destroying wolves, foxes and wild-cats, with such other uses as may redound to the public service and benefit of the said counties, respectively: And shall, also, ascertain and set down such competent sum and sums of money as shall be, yearly, applied towards any of the said services; together with such sums, as may be needful, to make good deficiencies in county rates assessed, and not then (and which probably could not be) collected; and to enforce the collection thereof, as occasion may require.

Constables to certify, yearly to the commissioners the names &c. of persons & estimates within their townships.

VII. The said commissioners or two of them, in every county, shall within six days after their said annual meetings, issue forth their precepts, directed to the constables of every township, requiring them to bring to the said assessors, within six weeks next after the date of such precepts, fair and true certificates, in writing, upon their oaths or affirmations, of the names and surnames of all and every the free persons dwelling, or residing within the limits of those townships or places, with which they shall be charged: & the names of all free men, inmates, hired servants (being twenty one years of age) & whether profitable or

chargeable to the employers, and all persons residing or sojourning in every of the said townships; together with an account of what tracts of parcels of land and tenements, houses, cabbins or other buildings wherein people dwell, with their peculiar advantages, as more or less valuable, which they hold in such townships; and how many and what parts of those tracts of land, houses and cabbins, are settled on, or rented, improved or cultivated; and how much of the same land is sowed, planted or improved; and all water-mills, whether for grinding or sawing; and all fulling-mills and oil-mills; and all keel and batteau-built boats, of the burthen of twenty barrels and upwards; and every ferry, and other species of property, producing a yearly income; and how many bound servants, and of what sex, with their ages, and what stock of cattle, horses and mares, each rising three years old, they possess without concealment, fear, malice, favour or affection, upon pain of forfeiting any sum not exceeding twelve dollars; to be levied as by this law is appointed and directed. And every of the said constables shall, by an order from one or more of the said commissioners, have and receive from the treasurers of the said counties, five cents for every three dollars assessed, for their care and trouble in executing and returning the said precepts, in manner aforesaid. And the assessors for the said respective townships, or a majority of them, meet at the day and place where the commissioners, precepts to the constables are made returnable, and then and there receive the constables' returns; and shall, thereupon, by the oaths or affirmations of the said constables, or other credible persons, or by any other lawful

Their compensation.

Assessors, on receiving constables' returns, to assess the county rates & levies, & how.

ways or means, inform themselves what persons and estates, in their respective townships, are rateable by virtue of this law : and the yearly value and profit accruing from the same : and shall forthwith, equally and impartially, assess themselves and all others rateable, as aforesaid : having regard to the said yearly value or profit, and exempting out of such assessments, all unsettled and unimproved tracts or parcels of land : and having due regard to such as are poor and indigent, And no single man who at the time of assessment, is under twenty one years of age, or hath not been out of his servitude or apprenticeship six months, shall be rated by this law. But as to those single men whose estates shall not be rated at one hundred dollars, they shall be assessed after the rate of fifty cents a head, upon a tax of twelve and a half cents, per two hundred dollars ; both for poor rates and county levies.

Not to exceed
75 cents per
200 dollars and
one dollar per
head on certain
men,

VIII. *Provided always*, That no assessments of county rates, to be made by virtue of this law, in any one year, shall exceed the value of seventy five cents in every two hundred dollars, in the estimate ; and one dollar per head, on single men, not having visible property to the amount of one hundred dollars, real value.

Duties of jus-
tices, as to wild
animals killed.

IX. Whenever any Wolves, Foxes or wild-cats are killed within the inhabited parts of any county, by the citizens thereof, he or they who kill such wolves, foxes or wild-cats, may bring the heads of them to some justice of the peace for the county where they are killed ; who is hereby empowered and required, to examine the parties producing such head or heads ; or, at the discretion of the said justice, to charge him or them,

upon oath or affirmation, to declare where those wolves, foxes or wild-cats, whose heads they so produce, were killed and by whom : and if it shall clearly appear, to the satisfaction of such justice, that those heads were severed from wolves, foxes or wild cats, so, as aforesaid, producing the same; & within the inhabited parts of the county; the justices, before whom such examination is taken, shall cause the tongues and ears of such heads to be cut off, and upon proof made as aforesaid, and not before, shall grant an order upon the treasurer of the county, where such wolves, foxes or wild-cats are killed, reciting therein, the substance of the proof, and requiring the treasurer to pay the party after the rates herein after appointed, for each head; that is to say :

For every grown dog or bitch-wolf, two dollars :

Rates of payment for their heads.

For every wolf-puppy, or whelp, one dollar :

For every grown fox, or wild-cat, twenty five cents :

For every young fox, or young wild-cat, twelve and a half cents.

Treasurers to make entries thereof.

The said respective sums of money, with the names of the persons to whom payable, and the particular uses to which they are appropriated, shall be entered in a book to be kept by the treasurers of the respective counties, for that purpose : who are hereby required at their own charge : to provide books wherein they shall make such entries accordingly.

County debts to be allowed and certified by the commissioners and assessors :

X. All accounts of debts and demands justly chargeable upon the said respective counties, shall be allowed by a majority of the commissioners and assessors of the same counties ; who shall

Collectors of
assessments, how
to be appoint-
ed.

certify such allowance, accordingly, by indorsement on the accounts; and shall cause the names of the creditors, and the sums so allowed them, to be entered in a book, which the said commissioners shall prepare and keep for that purpose, at the charge of the said respective counties.

Their duties.

XI. The said commissioners and assessors at their first annual meeting, shall appoint some fit person, in every township, to be collectors of the said assessments, from time to time: and shall cause fair duplicates of the assessment of each township to be drawn one part thereof shall, by the clerk who writes the same, be delivered to one of the said commissioners of the proper county, and the other part, to the collector of each township, with directions from the said commissioners to every such collector, indorsed on his duplicate, or annexed thereunto, requiring him to demand of the parties, the respective sums of money wherewith they are charged; and acquaint them of the day of appeal, which shall be appointed, by the commissioners, within one month after the said assessments are made. But, where any of the said collectors cannot meet with the party, of whom demand is to be made, as aforesaid, he or they shall leave notice, in writing, with some of the family, or at the place of the party's last abode; signifying, also, the day of appeal: at which day every of the said collectors shall return their said duplicates with the names of such persons and value of such estates as shall be concealed, undervalued, or omitted in the constable's return.

Parties aggrieved may appeal to the commissioners.

Proceedings thereon.

XII. If any person or persons find him or themselves aggrieved with any of the said assessments, supposing the same to be unequal, he or

they may appeal to the said commissioners of the proper county who are hereby required to meet on the said day of appeal; and then and there the assessors shall attend and lay before the commissioners, all the written certificates of the names of the persons subject to the tax; with the account of their several estates returned by the constables, as this law requires; together with the particular valuations set, by the assessor, upon the persons and estates, so returned. Whereupon, the commissioners shall take due notice thereof, and strictly examine the persons appealing upon their oaths, affirmations or otherwise, concerning the cause of their appeal: and upon such examination, or proof of others, they are hereby empowered to diminish or add to such persons' rate or assessment, as to them shall seem just and reasonable; with power, also to call before them such persons, and to take notice of such estates as they find are omitted in the said assessment, in order to rectify it. If the persons so omitted, refuse or neglect to appear and give an account of the value of their estates, they shall pay double the sum they should or ought to have been rated at by this law.

XIII. The said commissioners, upon hearing of the said appeals, shall rectify and adjust the said assessments, by abating on, or adding to the sums contained in the said respective duplicates; and cause their clerks to give the parties concerned, where omissions are supplied, or additions made to their assessments, five days notice, to appear before the commissioners and make their objections thereunto: and the said clerks shall, within ten days next after the said day of appeal, deliver to the treasurer of the said respective

Further proceedings.

counties a true account of the sums total that every collector shall be charged with, pursuant to this law.

Duties in consequence.

XIV. The said commissioners shall cause their clerks to draw fair duplicates, of the assessments of the said townships, so rectified as aforesaid, and deliver them to the collectors of those townships where they belong, within twenty days after the said day of appeal, with a warrant annexed thereunto, under the hand and seal of one or more of the commissioners who signed the assessments, requiring them forthwith to collect and receive, from the persons assessed, the several sums in the said duplicates respectively mentioned, either in ready money, orders of the commissioners on the county treasurers for services rendered, labour done or materials furnished to and for the use of the counties respectively, or orders of the justices of the peace for wolves, foxes or wild-cats' heads, warranted by this law.

Collectors to pay, every six weeks, public monies, &c. to the county treasurers.

XV. The said collectors shall, once in every six weeks, at least, render a just and true account of, and bring in and pay unto the respective county treasurers, all such sums of money, and orders on the said treasurers, as they shall have then received; and shall pay the whole and every of the sums of money assessed in their respective duplicates, within three months next after the said days of appeal; and the treasurers shall give receipts to the collectors for what they shall so bring in, and pay from time to time. Which receipts shall be the collectors' discharge for so much.

Treasurers to certify the same to commissioners, and also

XVI. The said treasurers shall, from time to time, signify, in writing to the said commissioners, how much every collector brings in and pays, as

aforesaid. And, when any of the said collectors ^{the neglects of} are negligent, or refuse to do their duty in the pre- ^{collectors.,} mises, the treasurers are hereby required forthwith to signify the same, by way of complaint to the commissioners, where such neglect or refusal shall happen.

XVII. If any person or persons, so rated or as- ^{Persons assessed} sessed by virtue of this law, shall refuse or neg- ^{and refusing to} lect to pay the sum or sums so assessed, in ready ^{pay, how to be} money, or in orders on the treasurers, warrant- ^{proceeded} ed by this law, by the space of thirty days after ^{a gainst.} demand made, as aforesaid; it shall be lawful for the said collectors respectively, by virtue of a special warrant for that purpose, signed and sealed by two or more of the said commissioners (who shall forthwith grant the same) and shall thereby empower the said collectors to call to their assistance, if occasion be. any constable or other person; and in case of resistance, to break open, in the day time, any house, trunk, box, chest, closet, cupboard or other thing where any such offenders goods, chattels or effects are supposed to be; and make distress and sale thereof, after advertising the same five days; rendering the overplus, if any be, to the owners, after reasonable charges deducted. But, if no distress can be found by the collectors, and the party refuses or neglects to shew them goods or chattels of his own; forthwith to satisfy the money then due, with reasonable charges; then the collectors shall take the body of every such person, and him deliver to the sheriff or his keeper of the county jail, who shall detain him, in safe custody, without bail or mainprise, until payment be made: the proof of which being made, shall, to the sheriff, be the collector's receipt.

May be impri-
soned in case,
&c.

XVIII. Provided always, That where effects cannot be found, sufficient to answer the whole sum in arrear, with charges as aforesaid; then distress shall be made for so much as the effects extend to, and the party to be imprisoned only for the residue thereof, with incident charges: all which charges of distress, assistance and bringing to prison, shall be adjusted and settled by any two or more of the said commissioners, when such occasion shall happen.

Delinquent col-
lectors, punish-
able by fine and
loss of office.

XIX. If upon complaint of the treasurers to the commissioners, as before directed to be made, it shall happen that any of the collectors refuse or neglect to pay the said sums of money, or other effects, which he or they shall respectively, be charged to collect; or to produce receipts, testifying the payment or delivery thereof; as aforesaid; or to deliver the money or orders on the treasurers, by them received and required of them by this law (first retaining such sums as are hereby allowed for collecting and paying the same) then the commissioners of the proper county, or any two of them, shall fine every such delinquent collector in any sum not exceeding double the sum in which they are delinquent, and appoint others in his or their stead, as collectors.

Their bodies
and estates
made answer-
able,

XX. It shall be lawful for the said commissioners of the proper county, or any two of them, and they are hereby required, to meet and issue their warrants, under their hands and seals directed to the sheriff or coroner of the proper county, requiring him to take the body, and seize and secure the estate, real and personal, belonging to such delinquent collectors, or which shall come to the hands or possession of his or their heirs, executors or administra-

tors, whereby the same can be discovered or found in the Territory; and make return of his proceedings therein, at such time and place as the commissioners shall appoint.

XXI. The said commissioners who shall cause the said lands and estates to be seized and secured, as aforesaid, shall, and are hereby empowered to appoint a time for a general meeting of the commissioners of each county; and to cause public notice to be given, where such meeting shall be appointed, six days, at least, before such general meeting: and the commissioners, then present at such meeting, or the major part of them, in case the money detained by such delinquent collector be not then paid or satisfied, shall, and are hereby empowered and required to issue forth their warrants, or precepts, to the sheriff or coroner of the proper county; requiring and commanding him to sell and dispose of all such estates as shall, for the cause aforesaid, be seized and secured, or any part thereof; and to bring the money, arising by such sale, to the commissioners who granted such warrant; in order to satisfy and pay unto the respective county treasurers, for the time being, the sum or sums of money that shall be so unpaid, or detained, in the hands of the said collectors or other persons, their heirs, executors or administrators, respectively; with damages for what shall be so unpaid; returning the overplus, if any be, to the owner, after all necessary charges deducted.

How such estates shall be sold.

XXII. When any sale of lands, tenements or hereditaments shall be made by such sheriff or coroner, respectively, the title and conveyance thereof shall be by deed, signed, sealed and de-

And the sheriff convey them.

livered by the sheriff or coroner to such person or persons as shall purchase the same, in fee-simple, or otherwise: which shall be most absolute and avorable, in law, against the said delinquents and their heirs and assigns, and all claiming under them.

Collector's conveyance of his estate, while delinquent, deemed void as to the public.

XXIII. All gifts, grants and sales which shall be made by any of the said delinquent collectors, or other officers, respectively, of any of their said estates, after the time they should have paid the money or effects arising from the said assessments, unless the estate, so seized, be sufficient to answer what they shall be in arrear, are hereby declared to be fraudulent, and shall not prevent or avoid the seizure and sales, hereby appointed, to be made thereof, as aforesaid.

Persons having neither houses nor certain abodes, how to be taxed:

XXIV. All freemen, not being householders, nor having a certain place of abode, and all the said hired male-servants; shall be taxed at the place where they reside at the time of the constable's taking their names, as aforesaid: and every householder shall, at the request of the said constables of the respective townships, give an account of the names, qualifications and estates of such persons as shall sojourn, lodge or dwell in their respective houses; under the penalty of five dollars, to be levied, charged, and paid in manner aforesaid.

Penalty on persons keeping lodgers and neglecting to return their names.

XXV. If any such freemen shall not be found at such place of residence, nor within the same township where their names were taken, as aforesaid, at the time when such respective collectors shall come to receive such householder's assessment; then, unless such freemen or servant hath, by himself or friend, paid; or, unless such householder or employer doth pay the same

Householders in what cases accountable for others:

for him, upon demand made thereof by the collector; it shall and may be lawful, for every such collector, to make distress and sale of the householders or employers goods and chattels, for the same; rendering the overplus to the owner, as aforesaid: and every such householder, or employer, shall recover the same from every such freeman, with charges, by warrant from any justice of the peace in the proper county, as in the case of debts under twelve dollars..

Proceedings
herein.

XXVI. If any of the said commissioners shall refuse or neglect to do his or their duty, in the premises, he or they, so offending, shall be fined by the justices of the peace of the proper county, for the time being, at their court of General quarter sessions of the peace, next after the said offence is committed, in any sum not exceeding one hundred dollars; for every offence, which, by virtue of a warrant under the hands and seals of the said justices, or any two of them, directed to the sheriff or coroner of the county where such offender, or his estate, is, at the time of issuing such warrant, shall be levied by seizure and sale of lands, distress and sale of goods or imprisonment of body, as the case shall require: and from and after such refusal or neglect, or if any of the said commissioners shall misbehave themselves, or happen to die during the time for which they are appointed, the justices of the peace, at their General quarter sessions next after each death, refusal, misbehaviour or neglect shall, in every such case, appoint others to act in their stead.

Commissioners-
abusing their
trust, to be pu-
nished with fine
and loss of office.

Proceedings
herein.

Commissioners
who die or mis-
behave, to be
replaced by the
justices.

XXVII. If any of the said treasurers shall refuse or neglect to do his duty, as by this law is required, he shall be fined, by two or more of

Treasurers a-
busing their
trust, to be fined.

by the commis-
sioners.

the commissioners for the county where he is deficient in his duty, in any sum not exceeding three hundred dollars, for every offence : which shall be levied, as aforesaid, by virtue of a warrant under the hands and seals of two or more of the same commissioners, directed as aforesaid.

Punishment on
assessors, abus-
ing their trust.

XXVIII. If any of the said assessors shall refuse or neglect to do their duty, as this law requires, the commissioners of the proper county, or any two of them, shall fine every such assessor, in any sum not exceeding one hundred dollars, which shall be levied by one of the same commissioners warrant, in manner aforesaid.

All fines to go
to the county

All which fines and forfeitures mentioned in this law, shall be levied as aforesaid, and shall be paid and added to the public stock, or fund, of the respective counties where they shall happen.

Compensation
to commission-
ers.

XXIX. The said commissioners shall be allowed seventy five cents for every days attendance, besides twelve cents and a half for every precept or warrant they are to sign by direction of this law ; which, with reasonable charges to be allowed their clerks, for delivering the duplicates and for other services; besides writing, as the said commissioners in their respective counties, by order under the hands of two of them, shall think fit to allow, shall be paid by the respective county treasurers.

To assessors.)

XXX. The said assessors, for their time and labour in the premises, shall be allowed three per centum on the whole sum contained in the rates of their respective counties, after the assessment is rectified and adjusted by the commissioners and assessors, according to the directions of this law, to be paid by the treasurer of the proper county, upon sight of the commissioner's order

for the same; and to be equally divided among them : which said three per centum shall be to the assessors, for the time being in full satisfaction for all the service and attendance required of them by this law.

XXXI. The said collectors shall retain in their hands one per centum, for all sums of money by them, respectively, collected; together with what they shall pay to the assessors, as aforesaid. To collectors

XXXII. Those that officiate as clerks shall for their pains in writing duplicates, and all warrants and precepts relating to the premises have and receive the sum of eighteen dollars; which the respective county treasurers are hereby required to pay to them, on warrant from the commissioners, or any two of them. And if any of the said clerks shall neglect to do his or their duty, as by this law is required, he or they shall be fined, by the commissioners of the proper county, in the sum of ten dollars, each; to be levied and paid, as aforesaid. And in case of the death or neglect of any of the said clerks the commissioners shall, forthwith, appoint others in their stead. To the clerks,

XXXIII. *Provided always*, That if any person or persons be sued or prosecuted for any thing done, in pursuance of this law, he or they may plead the general issue, and give this law and the special matter in evidence, for their justification. And if the plaintiff or prosecutor become nonsuit, or forbear prosecution, or suffer discontinuance; or, if a verdict pass against him in such actions, suit or information, the defendant shall have double costs; to be recovered as in cases where costs are, by law, given to the defendants, Parties sued; may plead the general issue, &c.
Defendant to be allowed double costs.

Prosecutions to be brought within twelve months after the offence. *XXXIV. Provided always,* That no person or persons shall be sued, or prosecuted, for neglect in the execution of this law, unless he or they be sued or prosecuted within twelve months after such offences are committed;

Governour to appoint the treasurers; who shall lay in bond of 1000 dollars. *XXXV.* The treasurers of every county shall be appointed by the governour; but, before they enter upon the execution of their offices, respectively, they shall become bound to the governour, and his successors, with one or more sufficient sureties, in an obligation in the sum of one thousand dollars; conditioned for the true execution of their respective offices, and punctual observation of their duty, as required by this law. And in case of the death or removal out of the county, of any of the said treasurers; then the commissioners and assessors of the proper county, for the time being, or a majority of them, shall appoint others to supply the places of such as shall die, or so remove, from time to time; who shall, forthwith, signify such appointments to the governour for his approbation, or further appointment, and give security in manner aforesaid. The said treasurers shall keep a distinct book, in every county, containing a particular account of all the rates and assessments made, or to be made, as aforesaid; as also of all disbursements and payments, made by order of the commissioners, by virtue of this law.

When they remove or die, commissioners and assessors to appoint others. *XXXVI.* The county treasurers shall, yearly, at the next General quarter-sessions of the peace after midsummer-day, in every county, bring in and settle their respective accounts with the said commissioners and assessors, a majority of whom shall give attendance for that purpose; and shall

Treasurers to settle their accounts annually.

have power to adjourn, from time to time, till the said accounts are settled. And the said treasurers shall be allowed for their trouble in receiving and paying all such monies as shall come into their hands respectively, by law, so much as the said commissioners and assessors or the major part of them, from time to time, shall judge reasonable.

Compensation
to treasurers.

XXXVII. Where any county treasurer shall be removed from his office, of treasurer, he shall deliver up to the succeeding treasurer all the books, public accounts and papers belonging to the counties where he acted, whole, entire and undivided, under the penalty of five hundred dollars; to be recovered in manner and for the uses herein before mentioned. And where any county-treasurer hath been removed, by death, the executors or administrators of such decedent shall deliver, in like manner, all the books and papers relating to the said public accounts, to the succeeding treasurer, under the same penalties, and to be recovered as aforesaid.

In case of a
treasurer's re-
moval from of-
fice, he to deli-
ver up, &c. to
his successor, or
forfeit 500 dol-
lars.

On the death of
treasurer, ex-
ecutors, &c.
made liable.

XXXVIII. No person who is, or hereafter shall be, appointed a commissioner for any county, shall serve, as a commissioner, for any longer time than the space of three years, at one time.

No commission-
ers to serve
longer than
three years:

XXXIX. The commissioners and assessors and treasurers of the several counties shall, at the respective courts of General quarter-sessions of the peace, to be holden for the respective counties next after mid-summer day, yearly exhibit to and lay before the justices and grand-juries of the said respective counties to which they belong, as well the books of entries and accounts directed by this law to be kept by the treasurers, as a true and particular account of all the monies by them

Annual duties
of commission-
ers, assessors,
and treasurers.

assessed and raised, by virtue of their several offices ; as also an account to whom and for what use, or uses the same money, and every part and parcel thereof, was paid out again ; with the proper vouchers if required : which books' accounts and receipts, or vouchers, being seen and examined, by the justices and grand juries of the said respective counties, shall be delivered back, safely and without alteration, to the respective treasurers : and the accounts shall be filed and kept among the records and proceedings of the said courts of General quarter sessions of the peace for such counties,

XL. The grand juries, commissioners and assessors, or a majority of them, with the concurrence of the justices of the General quarter-sessions of the peace, shall be the sole judges of the place where any bridge shall be built and maintained over any creek, or rivulet, within the respective counties to which they belong : and the commissioners and assessors, or a majority of them, with the concurrence of the justices of the said respective counties, at their respective General quarter-sessions of the peace, shall agree with workmen for building, repairing and maintaining any bridge or bridges ordered to be built or repaired, as aforesaid ; within their respective counties : and the commissioners, for the time being, shall allow of, and order the monies be-

The grand jury, commissioners and assessors with the concurrence of the justices, to be the sole judges where bridges shall be built :

The commissioners and assessors, with the like concurrence are to agree with the workmen ;

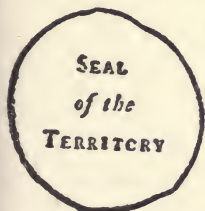
coming due for the same, to be paid by the respective county treasurers, accordingly.

And the charge
be allowed by
the comm. ~~clerk~~
ers.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing : **IN TESTIMONY** whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner* have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
TURNER.

TEPRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW for the relief of the Poor. *Adopted from the Pennsylvanian code, and published at Cincinnati, the nineteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **T**HE justices of the peace of the respective counties of this Territory, or any three of them, at every first session of the court of General quarter-sessions of the peace, yearly and every year, after the first day of January, shall nominate and appoint two substantial inhabitants of every township, within their res-

How overseers
of the poor to be
appointed.

Duties of overseer going out of office.

spective jurisdictions, to be overseers of the poor of such townships : for which purpose, the overseers going out of office, shall, on the day aforesaid, return to the said justices, the names of two, or more, substantial inhabitants, for every township : out of which number, successors in the said office shall be appointed by the said justices, for the ensuing year. And if any overseer shall refuse or neglect to make such return, as aforesaid, he shall forfeit and pay any sum, not exceeding twenty five dollars:

Farther duties of overseers.

II. *Provided always*, That the overseer or overseers, making such return, shall give notice thereof, in writing, at least six days before the first session of the court aforesaid, to the person or persons, whose name or names are so to be returned ; or leave the same at his or their dwelling-house, or place of abode.

Power of justices on overseer's removal or insolvency.

III. And if any overseer shall die, fail to make a proper return, remove, or become insolvent, before the expiration of his office, two of the said justices respectively, on due proof being thereof made before them, shall appoint another in his stead. Every overseer, so nominated and appointed, shall, before he enters upon the execution of his office, take an oath or affirmation, respectively, according to law ; (which any justice in the county respectively is hereby authorised and empowered to administer) that he will discharge the office of overseer of the poor, truly, faithfully and impartially, to the best of his knowledge and ability.

Overseer's oath

Power and duty of overseers as to assessments for relieving the poor.

IV. It shall and may be lawful to and for the overseers of the poor, of the several townships, having first obtained the approbation of any two justices of the peace in the same county, to

make and lay a rate, or assessment, not exceeding two cents, in the dollar, on the estimated value of all the real and personal estates within the said townships, respectively, at one time, and seventy five cents per head, on every freeman not otherwise rated for his estate, in every tax of two cents in the dollar; and so in proportion for any less rate or assessment: which said assessments may be repeated, by the authority aforesaid, as often, in one year, as shall be found necessary for the support of the poor; to be employed in providing proper houses and places; and a convenient stock of hemp, flax, thread and other ware and stuff, for setting to work such poor persons; as apply for relief, and are capable of working; and also for relieving such poor, old, blind, impotent and lame persons, or other persons not able to work, within the said townships; respectively; who shall therewith be maintained and provided for.

V. It shall and may be lawful to and for the overseers of the poor of the said townships, to contract with any person or persons for a house or lodging, for keeping, maintaining and employing any or all such poor in their respective townships, as shall be adjudged proper objects of relief; and there to keep, maintain and employ all such poor persons, and take the benefit of their work, labour and service, for and towards their maintainance and support: and if any poor person shall refuse to be lodged, kept, maintained and employed in such house or houses, he or she shall not be entitled to receive relief from the overseers during such refusal.

Overseers to
relieve the
poor, and how.

VI. The overseers of the said townships, in laying the said rates, shall be guided by the

Other duties of assessors. county assessment, on other occasions; having due regard to every man's estate within the township so to be rated and assessed; and shall enter such rates fairly in a book, of which a fair duplicate, signed by them, shall be delivered to the justices, who shall allow the same, if they find it just and reasonable, without fee or reward; and shall permit any inhabitant to inspect the rates, at all seasonable times, without any fee or reward; and shall give copies, on demand; being paid at the rate of six cents, for every twenty four names; and if any overseers shall not permit any inhabitant to inspect, or shall refuse to give copies, as aforesaid, he shall forfeit three dollars to the party grieved, to be recovered as debt under five dollars, are directed by law, to be recovered.

Penalty on neglect.

Rateable persons refusing to pay, how to be compelled.

VII. If any person or persons, so rated or assessed in the said township, shall refuse to pay the sum or sums on them charged, it shall and may be lawful to and for the said overseer, or overseers (having first obtained a warrant under the hand and seal of any justice of the peace of the county respectively, where the said assessment is made, and who is hereby empowered to grant such warrant) to levy the same on the goods and chattels of the person or persons so refusing: And in case such person shall not, within five days next after such distress made, pay the sum or sums on him assessed, together with the charge of such distress, the said overseer, or overseers, may proceed to the sale of the goods distrained; rendering to the owner the overplus, if any, that shall remain on such sales; reasonable charges being first deducted. But where such person or persons have no goods and chat-

rels, whereby they may be distrained, it shall be lawful for the said justices, respectively to commit the offenders to prison, there to remain, without bail or mainprize, until they have paid the same.

VIII. *Provided always*, That if any person or persons be aggrieved with such rate or assessment, it shall be lawful for the justices of the peace, at their next General quarter-sessions for the county respectively, upon petition of the party, to take such order therein as to them shall be thought convenient; and the same to conclude and bind all parties, and the overseers shall forbear to proceed in such sale, till the same be determined in the quarter-sessions.

Appeal to the
quarter-sessions.

IX. It shall and may be lawful for the overseers of the poor of the townships, aforesaid, by the approbation and consent of two justices of the peace of the county, to put out, as apprentices, all such poor children, whose parents are dead, or shall be by the said justices found unable to maintain them, males till the age of twenty one, and females till the age of eighteen years.

Concerning
poor children.

X. No person or persons shall be admitted or entered in the poor book of any of the said townships, or receive relief before such person or persons shall have procured an order from two justices of the peace for the same. And in case the said overseers shall enter in their books, or relieve, any such poor person or persons, without such order, they shall forfeit all such money or goods so paid or distributed, unless such entry and relief shall be approved of, as aforesaid.

Regulations as
to the poor.

XI. The free male inhabitants of every township shall, on the day of their annual election to choose assessors, yearly and every year, choose

Overseers' accounts, how to
be kept and
settled

Controlled by
three freehold-
ers.

by tickets in writing, three capable and discreet freeholders, to settle and adjust the accounts of the overseers of the poor of the respective townships, for the preceding year: and the person who shall have served the office of overseer, shall, on the said day, or any other day, which the said freeholders, so chosen, shall appoint, within fifteen days next after, deliver and render to the said freeholders a just account in writing, entered in a book, to be kept for that purpose, and signed by him, of all sums by him received; and also of all materials that have come to his hands, during his office or that shall be in his hands, or in the hands of any of the poor, to be wrought; and of the produce of the labour of the poor under his care, and of all money paid by such overseers, and of all other things concerning his office. which accounts, when settled, shall be signed by the said freeholders, or any two of them, who shall have full power to allow such parts thereof only, as to them shall appear just and reasonable.

The poor to be
entered in over-
seers' books.

Compensation
to overseers,
how made.

XII. The said overseers shall make fair entries, in a book, of the names of all the poor with in their respective townships; with the time when each of them became chargeable; and of all certificates delivered to them, and by whom, with the times when the same were delivered: for which trouble, the said freeholders, or any two of them, shall on settling their accounts, make such allowances as they shall judge reasonable. And if any of the said overseers appeal to the next court of General quarter-sessions; who shall, on petition of the party, take such order therein, and give such relief as to them shall appear just and reasonable, & the same shall conclude all parties.

XIII. The overseers of the poor of the townships within the several counties, respectively, shall, at least five days before the day of the annual election to choose assessors, yearly and every year, during the continuance of this law, give public notice, in writing (by affixing the same in four, or more, of the most public places in their respective townships) of the place where the inhabitants and freeholders of the several townships shall meet, to elect the freeholders aforesaid, for each and every of the said townships, according to the directions of this law; which place, so appointed for the said election, shall be at or near the center of the inhabited parts of the respective townships. If any person appointed as overseer of the poor of any township, shall refuse or neglect to take upon him the said office, he shall forfeit twelve dollars, to the overseers of the poor of the said townships, for the use of the poor thereof: which shall refuse or neglect to make and yield up such books and accounts, within the time as aforesaid; or if any such, whose office shall expire, shall refuse or neglect to pay over the money, and deliver up the books aforesaid, and every other thing in his hands, concerning his said office, to his successors; or shall refuse or neglect to collect and pay to such successors, all such sums of money, as are collected on the rate, or assessment, at the expiration of his office (which he is hereby empowered to collect, by warrant to be issued under the hand & seal of any one justice of the peace in and for his respective county) within thirty days after his going out of office; it shall and may be lawful to and for any justice of the peace of the said county to commit such overseer to the common

Duty of overseers as to the election of freeholders, &c.

Penalty on neglect.

Delinquent overseers how punishable.

Powers of a justice herein.

Appeal from
the freehold-
ers.

jail, there to remain without bail or mainprize, till such overseer shall give such accounts, and pay and deliver up such money, books and other things, as he ought in manner aforesaid. If any person shall think himself aggrieved by the settlement of his account by the said freeholders, he may (having first paid over to his successors the balance found in his hands, if any such there be) forfeiture shall be levied by warrant from any two justices of the county, or of the townships, respectively, under their hands and seals, on the goods and chattels of such person or persons so neglecting or refusing, and sold within three days next after distress made. And if there happen any overplus, upon sale thereof, the same shall be paid to the owner or owners, reasonable charges being first deducted. And if such person or persons, so neglecting or refusing, as aforesaid, shall not have goods or chattels, whereby he or they may be distrained, as aforesaid; then the said justices may commit the offender or offenders to prison, there to remain without bail or mainprize, till the said forfeiture shall be fully satisfied and paid.

Overseers re-
moving, how
enjoined, &c.

XIV. If any overseer shall remove, he shall, before his removal, deliver over to some other overseer of the township or place from which he removes, his accounts as aforesaid; with all assessments, books, paper, money, and other things concerning his office: and upon the death of any overseer, his executors or administrators shall, within forty days after his decease, deliver over all things concerning his office to some other overseer, as aforesaid; and shall pay out of the assets, all money remaining due (which

And how exe-
cutors &c. in
case of their
death.

he received by virtue of his office) before any of his other debts are paid.

XV. All gifts, grants, devises, and bequeaths hereafter to be made of any houses, lands, tenements, rents, goods, chattels, sum or sums of money, not exceeding in the whole the yearly value of twelve hundred dollars; to the poor of any township or to any other person, or persons for their use by deed or by the last will and testament of any person or persons, or otherwise howsoever, shall be good and available in law, and shall pass such houses, lands, tenements, rents, goods and chattels to the overseers of the poor of such township for the use of their poor respectively.

Property may be held for the poor, and to what amount.

XVI. The overseers of the poor for the several townships for the time being, respectively, shall forever hereafter, in name and in fact, be, and they are hereby declared to be bodies politic and corporate in law, to all intents and purposes, and shall have perpetual succession, and may by the name of the overseers of the poor of the said townships, sue and be sued, and plead and be impleaded in all courts of judicature; and by that name shall and may purchase, take or receive any lands, tenements or hereditaments, goods, chattels, sum or sums of money, not exceeding in the whole, including all gifts, grants, devises and bequests, heretofore made, the aforesaid yearly value of twelve hundred dollars,, to and for the use, and benefit of the poor of the respective townships, of the gift, alienation or devise of any person or persons whomsoever, to hold to them the said overseers, and their successors in the said trust, for the use of the said poor forever,

Overseers of the poor, in every township a body corporate.

qualifications
for a legal set-
tlement.

XVII. If any person who shall come to inhabit in any township or place within this Territory, shall for himself and on his own account, execute any public office, being legally placed therein, in the said township or place, during one whole year; or if any person shall be charged with and pay his or her share towards the public taxes or levies for the poor of such township or place, for two years, successively, or if any person shall really and bona fide take a lease of any lands or tenements in the said township or place of the yearly value of twenty five dollars, and shall dwell in or upon the same for one whole year, and pay the said rent, or shall become seized of any freehold estate, in any lands or tenements in such township or place and shall dwell in or upon the same for one whole year; or, if any unmarried person, not having children or child, shall be lawfully bound or hired as a servant in any township or place aforesaid, and shall continue, and abide in such service during one whole year; or if any person shall be duly bound an apprentice by indenture, and shall inhabit in such township or place, with his or her master or mistress, for one whole year: such person in any of these cases, shall be adjudged and deemed to gain a legal settlement in in the same township or place, where such person shall so execute an office, be charged with and pay taxes, take such lease, or own any such freehold estate, and dwell thereon, as aforesaid: or being hired or bound, shall continue and inhabit in a place for one whole year, as aforesaid. Every indented servant legally brought into this Territory shall obtain a legal settlement in the township or place in which such servant

shall have first served with his or her master or mistress, the space of sixty days, and if afterwards such servant shall duly serve, in any other place for the space of six months, such servant shall obtain a legal settlement in the county, township or place where such service was last performed, either with his or her first master or mistress, or on an assignment:

XVIII. Every married woman shall be deemed during coverture: and after her husband's death; to be legally settled in the place where he was last legally settled; but if he shall have no known legal settlement; then she shall be deemed, whether he is living or dead, to be legally settled in the place where she was last legally settled before the marriage.

As to married women and widows.

XIX. If any person or persons shall come out of any of the United States into a township or place within this Territory, or shall come out of any township or place within this Territory into any other township or place thereof, there to inhabit and reside, and shall at the same time procure, bring and deliver unto the overseers of the poor of the township or place where he, she or they shall come to inhabit, a certificate, under the hands and seals of the overseers of the poor of the township or place, from whence he, she or they removed, to be allowed by two or more credible witnesses, thereby acknowledging the person or persons mentioned in the said certificate, to be an inhabitant or inhabitants, legally settled in that township or place, every such certificate having been allowed of, and subscribed by one or more justices of the peace of the county where such township or place doth lie, shall oblige the said township or place, to pro-

Concerning strangers as to townships or the Territory

vide for the persons mentioned in the said certificate, together with his or her family as inhabitants of that place, whenever he, she or they happen to become chargeable to, or be obliged to ask relief of the township or place, to which such certificate was given, and into which he, she or they were received by virtue of the said certificate: and then, and not before, it shall and may be lawful for any such person, and his, her or their children, tho' born in the township or place, and his or her servants or apprentices, not having otherwise acquired a legal settlement, there to be removed, conveyed and settled in the township or place, from whence such certificate was brought. And the witnesses who attest the execution of the certificate by the overseers, or one of the said witnesses shall make oath or affirmation, according to law, before the justices who are to allow the same, that such witness or witnesses did see the overseers of the poor, whose names and seals are thereunto subscribed and set, severally sign and seal the said certificate; and that the names of each witnesses attesting the said certificate are of their own proper hand writing; which said justices shall also certify that such oath or affirmation was made before them; and every such certificate so allowed, and oath or affirmation of the execution thereof so certified, by the said justices, shall be taken and received as evidence without proof thereof. and no person so coming by certificate into any township or place, nor an apprentice or servant to such person, shall be deemed or adjudged, by any law whatsoever, to have gained a legal settlement therein unless such person shall, after the date of such certificate execute some public au-

nual office, being legally placed therein, in such township or place.

XIX. No person whomsoever coming into any township or place without such certificate, as aforesaid, shall gain a legal settlement therein; unless such person shall give security, if required, at his or her coming into the same, for indemnifying and discharging such township or place, to be allowed by any one justice of the peace respectively.

No legal settlement without a certificate.

XXI. Upon any complaint being made by the overseers of the poor of the proper township or place to any one or more of the justices of the said county, wherein such township or place is situated, it shall and may be lawful to and for any two justices of the said county, respectively, where any person or persons is or are likely to become chargeable to the said township or place, where, he, she, or they shall come to inhabit, by their warrant or order, directed to the said overseers to remove and convey such person, or persons to the county, township, place or state, where he, she or they was or were last legally settled, unless such person or persons shall give sufficient security to discharge and indemnify the said township or place, to which he, she, or they is, or are likely to become chargeable, as aforesaid.

Persons likely to become chargeable to the township, how to be removed.

XXII. If any person or persons shall think him or themselves aggrieved, by any order of removal made by any of the said justices, such person or persons may appeal to the justices of the peace, at their next General quarter-sessions of the peace, for the county from whence such poor persons shall be removed, and not elsewhere, which said court shall determine the same: and if there be any defects of form in such

Appeal from the party so removed.

Proceedings.
thereon.

order, the justices in the said sessions shall cause the same to be rectified and amended, without any costs to the party ; and after such amendment, shall proceed to hear the truth and merits of the cause ; but no such order of removal shall be proceeded upon, unless reasonable notice be given by the overseers of the township or place, appealing, unto the overseers of the township or place, from which the removal shall be ; the reasonableness of which notice shall be determined by the justices, at the quarter sessions to which the appeal is made : and if it shall appear to them that reasonable time of notice was not given, then they shall adjourn the appeal, to the next quarter-sessions, and there determine the same.

Against vexati-
ous removals
and frivolous
appeals,

XXXIII. For the more effectual prevention of vexatious removals and frivolous appeals, the justices in sessions, upon any appeal concerning the settlement of any poor person, or upon any proof before them, then to be made, of notice of any such appeal to have been given by the proper officer, to the overseers of any township or place (though they did not afterwards prosecute such appeal) shall, at the same sessions, order to the party, in whose behalf such appeal shall be determined, or to whom such notice did appear to have been given, such costs and charges, as by the said justices, in their discretion, shall be thought most reasonable and just, to be paid by the overseers, or any other person, against whom such appeal shall be determined, or by the person that did give such notice. And if the person ordered to pay such costs and charges, shall live out of the jurisdiction of said court, any justice, where such person shall inhabit,

shall, on request to him made, and a true copy of the order for payment of such costs and charges, certified under the hand of the clerk of the court, by his warrant, cause the same to be levied by distress ; and if no such distress can be had, shall commit such person to the common jail, there to remain without bail or mainprize, until he pays the said costs and charges.

XXIV. But if the said justices on such appeal shall determine in favour of the appellant, that such poor person was unduly removed, they shall, at the same quarter-sessions, order and award to such appellant, so much money as shall appear to the said justices to have been reasonably paid by the county, township or place, on whose behalf such appeal was made, towards the relief of such poor person between the time of such undue removal, and the determination of such appeal with the costs aforesaid, the said money so awarded, and the costs to be recovered, in the same manner as costs and charges, awarded against an appellant, are to be recovered by virtue of this law, as aforesaid. Judgment for appellant.

XXV. If any house-keeper or inhabitant of the Territory shall take into, receive or entertain in his or her house or houses, any person or persons whatsoever, not being persons who have gained a legal settlement, in some township, or place within this Territory, and shall not give notice thereof in writing, to the proper overseers of the poor, within ten days next after so receiving or entertaining such person or persons, such inhabitant or house-keeper being thereof legally convicted, by testimony of one credible witness, on oath or affirmation, before any one justice of the peace of the county where such person dwells, Penalty on persons entertaining others not being legally settled.

shall forfeit and pay the sum of three dollars for every such offence; the one moiety to the use of the poor of the said township or place, respectively, and the other moiety to the informer, to be levied on the goods and chattels of the delinquents, in the manner hereinafter directed, and for want of sufficient distress, the offender to be committed to the work-house of the township, or the jail of the said county, there to remain without bail or mainprize, for the space of ten days.

Further penalty, in case of pauper's death.

XXVI: And moreover, in case the person or persons so entertained or concealed shall become poor and unable to maintain him or herself or themselves and cannot be removed to the place of his or her or their last legal settlement in any other state if any such, he, she or they have or shall happen to die, and not have wherewithal to defray the charges of his, her or their funeral, then, and in such case, the house-keeper or person convicted of entertaining or concealing such poor person, against the tenor of this law, shall be obliged to provide for and maintain such poor and indigent person or persons: and in case of such poor persons death, shall pay the overseers of the poor, so much money, as shall be expended, on the burying of such poor and indigent person or persons; and upon refusal so to do, it shall be lawful for the overseers of the poor of the said township or place, respectively, and they are hereby required to assess a sum of money on the person or persons so convicted, from time to time, by a weekly assessment, for maintaining such poor and indigent person or persons, or assess a sum of money for defraying the charges of such poor person's funeral, as the

case may be : and in case the party convicted, shall refuse to pay the sum of money, so assessed or charged, to the overseers of the poor, for the uses aforesaid, the same shall be levied on the goods and chattels of the offender, in the manner hereafter directed. But if such persons, so convicted, have no goods or chattels to satisfy the money, so assessed for him or them to pay, then the said justices shall commit the offender to prison, there to remain without bail or mainprize; until he or they have paid the same; or until he or they shall be discharged by due course of law.

XXII. If any person be removed, by virtue of this law, from one township or place to another, by warrant, or order; under the hands and seals of two justices of the peace as aforesaid, the overseers of the poor of the township or place, to which the said person shall be so removed, are hereby required to receive said person, and if any of the said overseers shall neglect or refuse so to do, he or they so offending, upon proof thereof by one or more credible witnesses, upon oath or affirmation before one or more of the justices of the peace of the county where the offender doth reside, shall forfeit for every such offence the sum of twelve dollars, to the use of the poor of the township or place, from which such person was removed to be levied by distress and sale of the offender's goods, by warrant, under the hand and seal of the said justice of peace, which he is hereby required and empowered to make, directed to the constable of the township or place, where such offender or offenders dwell, returning the overplus, if any there be, to the owner or owners, and for want of sufficient distress, then the offender to be committed to,

Overseers shall receive all the poor lawfully removed.

Penalty on neglect.

the jail of the county where he dwells, there to remain without bail or mainprize for the space of forty days.

Proceedings
when the poor
of one place
sicken or die in
another.

XVIII. If any poor person shall come to any township or place within this Territory and shall happen to fall sick or die, before he or she have gained a legal settlement in the township, or place, to which he or she shall come so that such person cannot be removed, the overseers of the poor of the township, or place, into which such person is come, or one of them, shall, as soon as conveniently may be, give notice to the overseers of the poor of the township or place, where such person had last gained a legal settlement or to one of them, of the name, circumstances and condition of such person; and if the overseers of the poor, to whom such notice shall be given, shall neglect or refuse to pay the monies expended for the use of such poor person, and to take order for relieving and maintaining such poor person, or in case of his or her death, before notice can be given, as aforesaid, shall, on request being made, neglect or refuse to pay the monies expended in maintaining and burying such poor person, then, and in every such case, it shall be lawful for any two justices of the peace of the county where such poor person was last legally settled, and they are hereby authorized and required, upon complaint made to them, to cause all such sums of money, as were necessarily expended for the maintainance of such poor person, during the whole time of his or her sickness, and in case he or she die, for his or her burial, by warrant under their hands and seals, to be directed to some constable of the county, respectively to be levied by distress and sale of the goods and chat-

tels of the said overseer or overseers of the poor; so neglecting or refusing to be paid to the overseer or overseers of the township or place, where such poor person happened to be sick, or to die, as aforesaid, and the overplus of the monies arising, by sale of such goods, remaining in the constable's hands, after the sum of money ordered to be paid, together with the costs of distress, are satisfied, shall be restored to the owner or owners of the said goods: if any of the said overseers shall think him or themselves aggrieved by any sentence of such justices, or by their refusal to make any order, as is aforesaid, he or they may appeal to the justices of the peace, at their next court of quartermasters sessions for the county where such justices reside, and not elsewhere; who are hereby authorized and required to hear and finally to determine the same.

XXIX. The father and grand father, and the mother and grand-mother, and the children of every poor, old, blind, lame and impotent person, or other poor person not able to work; being of sufficient ability shall at their own charges, relieve and maintain every such poor person, as the justices of the peace at their next General quarter sessions for the county, where such poor person resides, shall order and direct, on pain of forfeiting the sum of five dollars for every month they shall fail therein.

XXX. Whereas it sometimes happens that men separate themselves, without reasonable cause, from their wives, and desert their children; and women also desert their children, leaving them a charge upon the said township or place aforesaid, although such person may have estates which should contribute to the maintainance of,

Duties enjoined on fathers, mothers and children.

Men deserting their wives and women their children. how to be dealt with.

such wives or children; it shall and may be lawful for the overseers of the poor of the said township or place, having first obtained a warrant or order from two justices of such township or place, where such wife or children shall be so left or neglected, to take and seize so much of the goods and chattels, and receive so much of the annual rents and profits of the lands and tenements of such husband, father or mother, as such two justices shall order and direct, for providing for such wife, and for maintaining and bringing up such child or children; which warrant or order being confirmed, at the next quarter-sessions for the county, it shall and may be lawful for the justices there, to make an order for the overseers, to dispose of such goods and chattels, by sale or otherwise, or so much of them for the purposes aforesaid, as the court shall think fit, and to receive the rents and profits, or so much of them, as shall be ordered, by the said sessions, of his or her lands and tenements, for the purposes aforesaid; and if no estate real or personal, of such husband, father or mother can be found, wherewith provision may be made, as aforesaid, it shall and may be lawful to and for the said justices, in their court of quarter-sessions for the county, to order the payment of such sums as they shall think reasonable, for the maintainance of any wife or children so neglected and commit such husband, father or mother to the common jail, there to remain, until he or she comply with the said order, give security for the performance thereof or be otherwise discharged by the said justices; and on complaint made to any justice of the peace in any county, of any wife or children being so neglected, such justice shall

take security from the husband, father or mother neglecting, as aforesaid, for his or her appearance, at the next General quarter-sessions, there to abide the determination of the said court, and for want of security to commit such person to jail.

XXXI. The several fines, forfeitures and penalties, sum and sums of money imposed or directed to be paid by this law and not herein otherwise directed to be recovered, the same and every of them, shall be levied and recovered by distress and sale of the goods and chattels of the delinquent or offender, by warrant under the hand and seal of any one justice of the county, where the delinquent or offender dwells or is to be found; and after satisfaction made of the respective forfeitures, fines penalties and sums of money, directed to be levied by such warrant, as aforesaid, together with such legal charges as shall become due on the recovery thereof, the overplus, if any, to be returned to the owner or owners, of such goods and chattels his or her executors, or administrators.

Fines, how
coverable.

XXXII. If any person or persons shall find him or themselves aggrieved with any judgment of the justices given out of their sessions, in pursuance of this act, such person or persons may appeal to the next General quarter sessions of the peace, for the county where sentence was given (except in cases of removal and cases of poor persons becoming chargeable in one place, who are legally settled in another, as is otherwise provided by this law) whose decision, in all such cases shall be conclusive.

Appeal from
justices to the
General quar-
ter-sessions, nex-
t, &c.

XXXIII. If any action shall be brought against any overseer or other person who in his aid and by his command, shall do any thing concerning

Overseers, if
sued. how they
may plead.

his office, he may plead the general issue, and give this law, and any special matter in evidence; and if the plaintiff shall fail in his action, he shall continue the same, or become nonsuit, he shall pay double costs.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner.* have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. YMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW concerning the Probate of Wills, written or nuncupative. *Adopted from the Pennsylvanian code, and published at Cincinnati, on the nineteenth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner judges, in and over the said Territory.*

Written wills,
duly proved,
are declared
good convey-

Sec. 1. ALL wills in writing, wherein or whereby any lands, tenements or hereditaments have been, are or shall be divided

(being proved by two or more credible witnesses, upon their solemn oath, or affirmation, or by other legal proof in this Territory; or being proved before such as have, or shall have, power in any of the United States, or elsewhere, to take probates of wills, and grant letters of administration, and a copy of such will with the probate thereof annexed or endorsed, being transmitted hither, under the public or common seal of the courts, or offices, where the same have been or shall be taken or granted, and recorded or entered in the judge of probate's office, in this Territory) shall be good and available, in law, for the granting, conveying and assuring of the lands or hereditaments, thereby given or devised, as well as of the goods and chattels thereby bequeathed: and the copies of all wills and probates, under the public seals of the courts, or offices, where the same have been or shall be taken or granted, respectively, other than copies or probates of such wills as shall appear to be annulled, disproved or revoked, shall be judged and deemed, and are hereby declared to be matter of record; and shall be good evidence, to prove the gift or devise thereby made. And all such probates, as well as all letters of administration, granted out of this Territory, being produced here, under the seals of the courts, or offices, granting the same, shall be as sufficient to enable the executors or administrators, by themselves or attornies, to bring their actions in any court within this Territory, as if the same probates, or letters testamentary, or administrations were granted here, and produced under the seal of the judge of probate's office, in any county of this Territory.

ances of the
estates devised
and bequeathed,

How proof to
be made of
such wills.

Probate of wills
declared mat-
ter of record,
and may be
given in evi-
dence.

Probates and
letters of ad-
ministration,
granted out of
the Territory,
to have full
force within it.

Should a will be disproved within seven years, remedy given to the party aggrieved.

II. *Provided always*, That if any of the wills; whereof copies, or probates, shall be so, as aforesaid, produced and given in evidence, shall, within seven years after the testator's death, appear to be disproved or annulled, before any judge or officer, having cognisance thereof; or shall appear to be revoked or altered, by the testator, either by a latter will, or codicil in writing, duly proved as aforesaid; then, and in every such case, it shall and may be lawful, for the party aggrieved, or his or their heirs, executors or assigns, to have their action for what shall be taken or detained from them, by occasion of such wills, or have their writ or writs of error for reversing the judicial proceedings thereupon (as the case shall require) any thing herein contained, to the contrary notwithstanding.

Nuncupative will, bequeathing more than \$50 dollars value, declared void, unless proved, and law.

Further qualifications as to such will.

III. And from henceforth no nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of eighty dollars, that is not proved by two or more witnesses, who were present at the making thereof; nor unless it be proved, that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, bear witness, that such was his will or to that effect: nor unless such nuncupative will be made in the time of the last sickness of the deceased, and in the house of his or their habitation, or dwelling; or where he or they hath or have been resident, for the space of ten days, or more, next before the making of such will; except where such person was surprized, or taken sick, being from his own house, and died before he returned to the place of his or her dwelling.

IV. When six months have passed, after speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative; except the said testimony, or the substance thereof, was committed to writing, within six days after the making of the said will.

Limitation of proof as to the like will.

V. No letters testamentary, or probate of any nuncupative will, shall pass the seal of the judge of probate's office, in the respective counties, till fourteen days, at least, after the death of the testator be fully expired; nor shall any nuncupative will be, at any time, received to be proved, unless process have first issued out, to call in the widow, or next of kindred to the deceased; to the end, they may contest the same if they please.

No probate of wills nuncupative to issue till 14 days after the death.

nor till the widow, or next of kin. be summoned:

VI. Notwithstanding this law, any mariner or person being at sea, or soldier being in actual military service, may dispose of his moveables, wages and personal estate, as he might have done before the making hereof.

This law not to affect mariners, persons at sea, and soldiers in actual service.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH WEST OF THE OHIO }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW regulating Enclosures.
Adopted from the Pennsylvanian code, and published at Cincinnati, the twenty-fifth day of June; one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.

Enclosed grounds to have fences at least 5 feet high and close at bottom.

Owners of grounds, not so enclosed, to be liable, &c.

Otherwise as to those having lawful fences.

Sect. I. **A**LL corn-fields and grounds, kept for enclosures, shall be well enclosed with fence, at least five feet high, of sufficient rail or logs, and close at the bottom, or at any rate, not more than three inches from the ground; and whosoever, not having their grounds enclosed with such sufficient fence, as aforesaid, shall hurt, kill or do damage to any horse, mare, colt, cattle, sheep, lamb or hog of any other person, by hunting or driving them out of, or from the said grounds, shall be liable so make good all damages sustained thereby, to the owner of the said creatures. But if any horse, mare, colt, cattle, sheep, lamb or hog, or any kind of cattle shall break into any man's enclosure, the fence being of the aforesaid height and sufficiency, and by the view of two persons, for that purpose appointed by the court of General quarter-sessions of the peace, found and approved to be such; then the owner of such creature, shall be liable to make good all damages to the owner of the enclosure: for the first offence, single

damages only, and ever after, double the damages sustained. And all persons having any unruly horses, mares, colts, cattle, sheep, lambs or hogs, that are not to be kept off by such fences, as aforesaid, are ordered, and shall be obliged to take effectual care to restrain the same from trespassing on their neighbour's enclosures.

Owners of unruly animals to restrain them.

II. And, for the better ascertaining and regulating of partition fences, it is hereby directed, that where any neighbours shall improve lands adjacent to each other, or where any person shall enclose any land adjoining to another's land, already fenced in, so that any part of the first person's fence becomes the partition-fence between them; in both these cases, the charge of such division fence (so far as enclosed on both sides) shall be equally borne and maintained by both parties. To which and other ends, in this law mentioned, each court of General quarter sessions of the peace, shall nominate, and is hereby required to nominate and appoint, so many honest and able men as they shall think fit, for each county respectively; to view all such fence and fences, about which any difference may happen or arise, and the aforesaid persons in each county, respectively, shall be the sole judges of the charge to be borne by the delinquent, or by both or either party, and of the sufficiency of all fences, whether partition-fences or others. And where they judge any fence to be insufficient, they shall give notice thereof to the owners or possessors: and if any one of the said owners or possessors, upon the request of the other, and due notice given by the said viewers, shall refuse to make or repair the said fence or fences, or to pay the moiety of the charge of any fence, before made

Regulations to partition fences.

Quarter sessions to appoint viewers of fences, &c.

How charges thereof to be borne.

Concerning insufficient fences, and proceedings to be had thereon.

(being a division-fence) within ten days after notice given, then, upon proof thereof, before two justices of the peace of the respective county, it shall be lawful, for the said justices, to order the person aggrieved and suffering thereby, to repair the said fence or fences ; who shall be reimbursed his cost and charges from the person so refusing to make good the said partition-fence or fences ; and the said costs and charges shall be levied upon the offender's goods and chattels, under warrant from the said justice, by distress and sale thereof ; the overplus if any be, to be returned to the party offending.

Provido, that any person may make other enclosures within mentioned, and have the benefit of this law.

III. *Provided*, That nothing herein contained shall be intended to prevent or debar any person, or persons, from enclosing his or their grounds with sufficient wall or palisadoes, or by dikes, hedges and ditches ; all such walls and palisadoes to be in height, at least, five feet from the ground ; and all dikes to be, at least, three feet in height from the bottom of the ditch, and planted or set with thorn or quickset ; so that such enclosures shall fully answer and secure the several purposes meant to be answered and secured by this law.

Such enclosures however, to be subject to similar restrictions.

IV. *Provided also*, That such walls and palisadoes, and dikes, hedges and ditches, shall be subject to all provisions, inspection and restrictions, respectively, to which, by this law, any other enclosure or fence is made liable, according to the true intent and meaning hereof.

THE foregoing is hereby declared to be a law of the Territory ; to take effect of and from the

first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

ARTHUR ST. CLAIR
JOHN C. SYMMES.
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



ARTHUR ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW as to the order of paying debts of persons deceased, *Adopted from the Pennsylvanian code, and published at Cincinnati, the twenty sixth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sec. 1. ALL debts owing by any person within this Territory, at the time of his or her decease, shall be paid by his or her executors or administrators, so far as they have assets, in manner and order following, that is to say, First funeral expenses and physic. Secondly, debts and duties to the Territory. Thirdly, judgments. Fourthly, debts due by recognizances. Fifthly, rents. Sixthly, obligations, bills penal, and protested bills of exchange. Seventhly, single bills. Eightly, servants' and workmens' wages. Ninthly, merchants' and traders' book debts; and promises by word. ar-

Order for paying decedent's debts, viz.

1. Funeral expenses and physic.
2. Public debts.
3. Judgments.
4. Recognizances.
5. Rents.
6. Bonds, &c.
7. Single bills.
8. Wages.
9. Book debts.

rears of accounts, and such like, Which said payments shall be good and available in law, against all persons whomsoever.

Saving to executors, &c,

ll. Nothing herein contained, shall prevent or damnify any executor or administrator for discharging the decedents' just debts, as the same shall come to his, her or their knowledge, without regard to the priority of the same, in payment, after the expiration of twelve months from the time of the said decedents' decease.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the twenty sixth day of June next ensuing : *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. YMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH WEST OF THE OHIO }



AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

A LAW concerning trespassing Animals. *Adopted from the Pennsylvanian code, and published at Cincinnati, the twenty-sixth day of June, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sec. 1. IF any horse, mare, colt, cattle, sheep, lamb or hogs (after the publication of this law) shall trespass, by breaking into the lawful enclosure of any person or persons; (the same being made) every such person being injured by such trespass, may seize and distrain such trespassing creature (horse mare, colt, cattle or sheep) and the same, so seized and distrained, may retain, until he, she or they shall recover and receive the damages sustained by such trespass, together with the costs of advertising, and reasonable charges for keeping such distress, in manner herein after directed.

Trespassing animals may be detained till &c.

II. Every person or persons, making such distress, shall, within the space of forty eight hours after the same shall be made, give notice thereof to the owner or owners of such horse, mare, colt, cattle, sheep lamb or hog, if he, she or they can be conveniently found; but if not, then such person or persons, seizing or distraining such trespassing creature, shall, within three days after the distress taken, as aforesaid, cause

Notice thereof to be given and how.

How satisfac-
tion to be made.

an advertisement of the marks, brands, stature and colour thereof, and of the place where the same may be found, to be affixed in a conspicuous manner, at the most frequented and public place of his, her or their townships: and if, upon such notice or advertisement, such owner or owners shall appear, but neglect or refuse to make or tender a reasonable satisfaction to the party injured, for the damages sustained by such trespass, and in keeping the said creature; or if the said person or persons, so making the distress, shall not accept the said satisfaction, it shall and may be lawful for either of the parties aforesaid, to complain and apply to any justice of the peace of the county, where such creature shall be seized and distrained, as aforesaid, who shall, upon such complaint and application, issue his warrant, directed to two reputable and honest freeholders of the neighbourhood, commanding and enjoining them forthwith to view the said trespass and to value, appraise and ascertain the injury or damage done to or within the enclosure, aforesaid, having regard to the lawfulness of said fence, with the expense and costs of keeping the creature, and to make report thereof to them, the said justice, with all convenient speed; which said valuation and appraisement, and return, they, the said freeholders, are hereby required and enjoined to make accordingly, And if the said valuation and appraisement, shall not amount to more than the sum of money tendered to the party injured, as a recompense for the damage done, as aforesaid, before such complaint made, then the said justice shall give judgment for the same only, to the party, refusing such tender, and award

reasonable costs and charges to the other party, for the unjust vexation; but if the said valuation shall amount to more than the sum tendered, or if no such tender be made, then, and in that case, the said justice shall award and give judgment for the valuation aforesaid, to the party injured; with reasonable costs and charges, or keeping the said creature so trespassing against the other party, and shall award execution upon every such judgment, with costs of suit accordingly.

11. Whoever shall hurt, kill or do damage to any horse, kine, sheep, lamb or hog, by hunting or driving them out of or from the said enclosures, or by neglecting to provide them with sufficient food and water, after they may have been distrained, shall be liable to make good all damages sustained thereby, to the owner of such creature or creatures.

Damages on
hurling or kill-
ing animals
&c.

IV. If no owner or owners appear and make out his or their property in the said creatures, within two weeks after such advertisements shall be published in the township, as aforesaid, the person or persons making such distress, shall, forthwith, under the penalty of twelve dollars, cause the like advertisement to be published three times successively, in one or more newspapers or gazettes printed & published within this Territory, provided, there is a gazette or newspaper then printed and published within the county, wherein the trespass shall happen; but in case of no such public paper then, such advertisement shall be put up in a conspicuous manner at the court house door of the county: and the party distraining, shall make application, at the expiration of two months after the publication of the same advertise-

Proceedings in
case no owner
appear.

ments, to the said justice of the peace, who is hereby authorised and required to issue his warrant to two honest and respectable freeholders, and cause them upon their oath or affirmation, which he is hereby empowered and required to administer to them, to view, value and appraise the creature or creatures, so distrained, and to ascertain the damage so done, as aforesaid, with reasonable charges for keeping the said creature, and to make return thereof, to him, as aforesaid, upon which valuation and return, the property of and in the said creatures, so valued, shall become and be held and taken to be, and is hereby vested in the person so making such distress; but so, nevertheless, that he shall be answerable and accountable to the owner or owners aforesaid, for the valuation money aforesaid, at any time afterwards within the space of one year, next after the publication of such advertisements, last aforesaid, having first deducted thereout, the costs of such proceedings, advertisements and charges of keeping the said creature with the damages so ascertained; but if the said owner or owners shall not appear and demand the same, within the time limited last aforesaid, then, the said person or persons, so making such distress, shall, upon demand made, pay all such overplus money to the overseers of the poor of the township, where he, she or they shall reside, for the use of the poor thereof, under the penalty of double the sum distrained, in his, her or their hands, contrary to the direction of this law.

If party distraining neglect to give notice, owner

V. If any such person or persons, so distraining, shall neglect to give such notice, as herein before directed, or shall neglect to set up and publish such advertisements, in the most public

place of his, her or their township, he. she or they shall forfeit and lose all right, or title, or pre-
 tence of right, to a recovery of any sum or sums of money for such trespass, or any recompence for the same ; but shall deliver up the said creature, so distrained, to the owner or owners thereof, without any recompence, fee or reward whatsoever; and that one half of all the fines imposed by virtue of this law, shall be to the use of the owner or owners of such creature, and the other half thereof, to the overseers of the poor of the said township, for the use of the poor thereof, to be recovered by them, or either of them, in a summary way, as debts, not exceeding twelve dollars, are, by law directed to be recovered.

to have restitution without expense.

All fines to go to the owners of certain animals and the poor.

VI. If any person or persons shall, knowingly and wittingly, keep and retain any horse, mare, colt, cattle, sheep. lamb or hog, within his, her or their enclosures, for the space of forty eight hours, without giving the notice, and publishing the advertiments aforesaid; every such person or persons shall forfeit and pay the sum of twelve dollars, for every such offence, to be recovered and applied in manner aforesaid,

penalty on detaining animals without notice,

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the twenty sixth day of June, next ensuing: *INTES-
TIMONY* whereof, we *Arthur St. Clair,
John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names,

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH WEST OF THE OHIO }



AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

A LAW directing how Husband and Wife may convey their Estates. *Adopted from the Pennsylvanian code, and published at Cincinnati, the twenty sixth day of June, one thousand, seven hundred and ninety-five ; by Arthur St. Clair, governor, and John Cleves Symmes, and George Turner, judges, in and over the said Territory.*

Feme coverts,
 of age, may
 join husband in
 conveying es-
 tate.

The deed to be
 acknowledged
 before a terri-
 torial judge or
 justice of com-
 mon pleas.

Sec. I **W**HERE any husband and wife shall hereafter inchoe to dispose of and convey the estate of the wife, or her right of in or to any lands, tenements or hereditaments whatsoever, it shall and may be lawful to and for the said husband and wife the wife being not less than twenty one years of age, to make seal, deliver and execute, any grant, bargain and sale, lease, release, feoffment, deed, conveyance or assurance in the law, whatsoever, for the lands, tenements and hereditaments intended to be, by them, passed and conveyed ; and after such execution, to appear before one of the judges of the General court, or before any justice of the court of common pleas, of and for the county where such lands, tenements or hereditaments shall lie, and to acknowledge the said deed or conveyance : which judge of the General court, or justice of the court of common pleas, shall, and he is hereby authorised and required to take such acknowledgment. In doing whereof he

shall examine the wife separate and apart from her husband, and shall read, or otherwise make known, the full contents of such deed or conveyance to the said wife: and if, upon such separate examination, she shall declare, that she did voluntarily, and of her own free will and accord, seal, and as her act and deed, deliver the said deed, or conveyance, without any coercion or compulsion of her said husband, every such deed or conveyance shall be, and the same is hereby declared to be good and valid in law, to all intents and purposes, as if the said wife had been sole, and not covert at the time of such sealing and delivery: any law, usage or custom to the contrary, in any wise, notwithstanding.

II. *Provided*, The judge or justice taking such acknowledgment shall, under his hand and seal, certify the same upon the back of the deed or conveyance. And how.
Acknowledgment, how to be certified.

III. All deeds and conveyances made and executed by husband and wife, not residing within this Territory, and brought hither to be recorded in the county where the lands lie (the acknowledgments thereof being taken and made in the manner herein before directed, before any mayor or chief magistrate or officer of the cities, towns or places where such deeds or conveyances are or shall be made or executed, and certified under the common or public seal of such cities, towns or places) shall be as valid and effectual, in law, as if the same had been made and acknowledged, in manner aforesaid, before any judge of the General court of this Territory: or before any justice of the court of common pleas, for the

What acknowledgment requisite, to deeds executed without the Territory.

county where the lands lie; any thing herein contained, to the contrary, notwithstanding.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW for the speedy assignment of Dower. *Adopted from the Massachusetts code, and published at Cincinnati, the fourteenth day of July one thousand, seven hundred and ninety-five; by Arthur St. Clair, Governor, and John Cleves Symmes and George Turner; judges, in and over the said Territory.*

Sect. 1. **W**HEN the heir, or other person having the next immediate estate of freehold or inheritance, shall not, within one month next after demand made, assign and set out to the widow of the deceased her dower, or just third part of and in all lands, tenements and hereditaments whereof, by law, she is or may be

Teir to set out
dower in one
month, other-
wise the widow
may sue for it.

dowable, to her satisfaction according to the true intendment of law, then such widow may sue for and recover, the same, by writ of dower, to be brought against the tenant in possession, or such persons as have or claim right or inheritance in the same estate, in manner and form as the law prescribes.

II. Upon rendering judgment for any woman to recover her dower in any lands, tenements or hereditaments, reasonable damages shall also be awarded to her, from the time of the demand and refusal to assign to her reasonable dower. ^{On judgment} And a writ of seizin shall be directed to the sheriff of the county, or coroner; and the sheriff or coroner, to whom such writ is directed, shall cause her dower in such estate to be set forth unto her, by three disinterested freeholders of the same county, under oath, or affirmation, to be administered by any justice of the peace, to set forth the same equally and impartially, without favour or affection, as conveniently as may be. ^{had, a writ of seizure to issue.}

III. Where estates, of which a woman is dowable, are entire, and where no division can be made by metes or bounds, dower thereof shall be assigned in a special manner, as of a third part of the rents, issues and profits, to be computed and ascertained in manner as aforesaid. ^{When estate is entire, how the widow shall take her thirds} And no woman that shall be endowed of any lands tenements or hereditaments, as aforesaid, shall, wantonly or disorderly, commit or suffer any waste thereon, on penalty of forfeiting that part of the estate upon which such waste shall be made, to him or them that have the immediate estate of freehold or inheritance in remainder or reversion, (and in case of negligent and inadvertant waste, by her donee or suffered, the damages that may be assessed ^{Widow not to commit waste.}

Tenants in dower
or to repair the
premises.

for such waste,) to be recovered by an action of waste. And all tenants in dower shall maintain the houses and tenements, with the fences, and appurtenances whereof they may be endowed, in as good repair as the same may have been delivered to them, during the term; and the same shall so leave at the expiration thereof.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the twenty sixth day of June, next ensuing: *INTES. TIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO }



AR ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW giving remedies in Equity, in certain cases. *Adopted from the Massachusetts code, and published at Cincinnati, the fourteenth day of July, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes, and George Turner, judges, in and over the said Territory.*

Sect. 1. **I**N all cases brought before the General or circuit courts, or before any court of common pleas, to recover the for-

feiture annexed to any articles of agreement, covenant or charter party, bond, obligation or other specialty ; or for forfeiture of real estate upon condition, by deed of mortgage, or bargain and sale with defeasance (when the forfeiture breach, or non performance, shall be found by a jury, by the default or the confession of the defendant, or upon demurrer) the court before whom the action is, shall make up judgment therein, for the plaintiff to recover so much as is due in equity and good conscience ; and shall award execution for the same, by writ of *capias ad satisfaciendum*, *fiery facias*, or other judicial writ, as the case may require.

When judgment
to recover ac-
cording to equi-
ty and good
conscience.

Execution

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing : *IN TESTIMONY* whereof, we *Arthur St. Clair*, *John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR ST. CLAIR
JOHN C. SYMMES.
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH WEST OF THE OHIO }



AR. ST. CLAIR,
JOHN C. SYMMES
G. TURNER.

A LAW against Forcible Entry and Detainer. *Adopted from the Massachusetts code, and published at Cincinnati, the fourteenth day of July, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Two justices may enquire, by jury, and order restitution of lands or tenements unlawfully withheld.

Sec. 1. TWO justices of the peace shall have authority to enquire, by jury, as is herein after directed, as well against those who make unlawful and forcible entry into lands or tenements, and, with a strong hand, detain the same, as against those who, having a lawful and peaceable entry into lands or tenements, unlawfully and by force hold the same : and if it be found upon such enquiry, that an unlawful and forcible entry hath been made ; and that the same lands or tenements are held and detained with force and strong hand, or that the same after a lawful entry, are held unlawfully, and with force and strong hand, then that such justices shall cause the party complaining to have restitution thereof.

Justices, on written complaint of detainee of lands, how to proceed.

II. When complaint shall be formally made, in writing, to any two justices of the peace, of any unlawful and forcible entry into any lands or tenements, and detainer, as aforesaid ; or if any unlawful and forcible detainer of the same, after a peaceable entry, they shall make out their war-

rant, under their hands and seals, directed to the sheriff or (as the case may be) the coroner of the same county, commanding him to cause to come before them twelve good and lawful men of the same county, each one of whom having freehold lands or tenements; and they shall be impanelled to enquire into the entry or forcible detainer complained of: which warrant shall be in the form following. Mutatis mutandis, viz.

Warrant to impanel a jury of freeholders.

H. sc.

(L. S.) *A. B. and C. D. Esquires, two of the justices assigned to keep the peace within and for the said county; to the* Form of the warrant.

(L. S.) H. Greeting.

Whereas complaint is made to us by E. F. of in the county ofore- said that G. H. of yeoman, upon the day of at aforesaid, with force and arms, and with a strong hand, did unlawfully and forcibly enter into and upon a tract of land, of him the said E. F. in aforesaid containing acres; bounded as follows, viz (or into the messuage and tenement of him the said E. F. as the case may be) and him the said E. F. with force and a strong hand, as aforesaid, did expel and unlawfully put out of the possession of the same, For, if it is a forcible detainer, only, then the entry shall be described, and the detainer inserted, as follows) and him the said E. F. does unlawfully, unjustly, and with a strong hand deforce and still keep out of the possession of the same: you are therefore, commanded, on behalf of the United States, to cause to come before us, upon the day of at in the said county, twelve good and lawful men of your county, each one of

whom being a freeholder, to be impannelled, and sworn to inquire into the forcible entry and detainer (or. the detainer only) before described. Given under our hands and seals the day of in the year

A. B. } Justices of the
C. D. } peace.

III. And the said justices shall make out their summons to the party complained against, in the form following, viz.

Form of summons to the party complained of.
H sc,
(L. S.) A. B. and C. D. two of the justices (L. S.) assigned to keep the peace within and for the said county of to the of

Greeting : summon G. H. of
to appear before us at in in the
said county at o'clock in the noon,
then and there to answer to and defend against the complaint of E. F. to us exhibited; wherein he complains that [here the complaint shall be recited] and you are to make to us a return of this summons with your proceedings therein on or before the said day

Witness our hands and seals the day of
in the year of

A. B. } Justices.
C. D. }

Summons, how to be served.

Which summons shall be served upon the party complained against or a copy thereof left at his usual place of abode, seven days exclusively before the day appointed by the justices for the trial. And if after the service of such summons the party do not appear to defend, the justices shall proceed to the enquiry, in the same manner, as if he were present. And when the jury

shall appear, the justices shall lay before the jury the exhibited complaint and shall administer the following oath to them, viz :

Foreman's Oath.

Oaths of the jurors.

You as foreman of this jury do solemnly swear (or affirm) that you will well and truly try whether the complaint of E. F. now laid before you is true according to your evidence, so help you God (if swearing) or, you will [when affirming]

The other jurors' Oath, viz,

The same oath which your foreman hath taken on his part you and every of you shall well and truly observe and keep : so help you God ; or ,, you will" And if the jury shall find the same true, then they shall return their verdict in form following,

At a court of enquiry held before A. B. Form of the
and C. D. Esquires, two of the justices as- verdict.
signed to keep the peace; within and for the county of H at in the said
county of H upon the
day of in the year the
jury upon their oaths do find that the lands or
tenements in aforesaid bounded (or
described) as follows at in the com-
plaint upon the day of in
the year were in the lawful and rightful
possession of the said E. F. and that said G. H.
did upon the same day unlawfully with force and
arms, and with a strong hand, enter forcibly
upon the same (or being lawfully upon the
same, did unlawfully with force and strong hand)
expel and drive out the said E. F. and that he
doth still continue wrongfully to detain the pos-
session from him the said E. F. *Wherefore* the
jury find upon their oaths or affirmation aforesaid

that the said E. F. ought to have restitution thereof without delay.

Where panel is incomplete, then to be filled de talibus circumstantibus

All the jurors to sign verdict

Gubernator, &c

It by accident or challenge there shall happen not to be a full jury, the sheriff shall fill the panel de talibus circumstantibus, as in other cases. And if the jury, after a full hearing of the cause, shall find the complaint laid before them supported by evidence they shall all sign their verdict in form aforesaid; otherwise the defendant shall be allowed his legal costs, and have his execution thereof.

If the jury shall return their verdict; signed by the whole panel, that the complaint is supported, the justices shall enter up judgment for the complainant to have restitution of the premises, and shall award their writ of restitution accordingly; and no appeal shall be allowed from the judgment of the justices.

IV. *Provided nevertheless*, That the proceedings may be removed by certiorari into the General court; or circuit court: holden in such county and be there quashed for irregularity if any such there may be: nor shall such judgment be a bar to any after action brought by either party, which writ of restitution shall be in form following.

Appeal by certiorari.
Form of the writ of restitution.

H.

se.

A: B. and C. D. two of the justices assigned to keep the peace in and for the said county, to the of

(L. S.) H. Greeting;

(L. S.) Whereas at a court of enquiry of forcible entry and detainer held before us at in the said county of upon the day of in the year the jurors impaneled and sworn according to law did return their verdict in writing signed by each

of them that E. F. was upon the day or
in the rightful possession
of a certain messuage or tract of land (as in the
verdict returned) and that &c (as in the verdict)
whereupon it was considered by us that the said
E. F. should have restitution of the same. We
therefore require you that taking with you the force
of the county, if necessary, you cause the said G.
H. to be forthwith removed from the premises and
the said E. F. to have the peaceable restitution
of the same: and also that you levy of the goods,
chattels, or lands of the said G. H. the sum of
being costs taxed against him on
the trial aforesaid together with
more for this writ, and your own fees: and for
want of such goods, chattels or lands of the said
G. H. by you found you are commanded, to
take the body of the said G. H. and him com-
mit to the common jail of the said county there
to remain until he shall pay the sum aforesaid,
together with all fees arising on the service of
this writ; or until he be delivered by due course
of law. And make return of this writ with your
proceedings thereon within twenty days next com-
ing. Witness our hands and seals at
aforesaid, the
day of in the year

A. B. }
C. D. } Justices.

Provided, nevertheless. That this law shall
not extend unto any person who hath had the oc-
cupation or been in the quiet possession of any
lands or tenements by the space of three whole
years together, next before; and whose estate
therein is not ended or determined.

This law not
to affect three
years quiet
possession.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of September, next ensuing : *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW annulling the distinction between Petit Treason and Murder. *Adopted from the Massachusetts code, and published at Cincinnati; the fourteenth day of July one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Petit treason
to be punished
as murder.

IN all cases wherein, heretofore, any person would have been deemed and taken to have committed the crime of petit treason, such person shall be deemed and taken to have committed the crime of murder, only, and be indicted and prosecuted to final judgment accordingly :

and the same punishment, only, shall be inflicted, as in the case of murder,

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the fourteenth day of July, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES.
G. TURNER.

A LAW declaring what laws shall be in force. *Adopted from the Virginia code, and published at Cincinnati, the fourteenth day of July, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

THE common law of England, all statutes or acts of the British parliament made in aid of the common law, prior to the fourth year of the reign of King James the first (and which are of a general nature, not local to that kingdom) and also the several laws in force in this Territory, shall be the rule of decision, and shall be

The common law, British acts, prior to 4th Jan. 1. &c.

considered, as of full force, until repealed by legislative authority, or disapproved of by congress.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing : *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner.* have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES
G. TURNER.

A LAW to prevent trespassing by cutting of Timber. *Adopted from the Pennsylvanian code, and published at Cincinnati, the fourteenth day of July, one thousand, seven hundred and ninety-five ; by Arthur St. Clair, governour, and John Cleves Symmes, and George Turner, judges, in and over the said Territory.*

IF any person shall be convicted, before a justice of the peace of the proper county, of cutting or felling any black-walnut, white wood, wild-cherry, or blue-ash trees, upon another person's

Penalties on
cutting down
trees.

land, without due leave: he shall forfeit to the owner thereof eight dollars for every such tree, so felled or cut; and for every other tree so felled or cut, three dollars.

Provided always, That no plea of title be set up by the defendant. But if the defendant plead title to the land where such trees are cut, the justice of the peace shall proceed no farther therein, in case the defendant will enter into bond to the plaintiff, in such sum as the justice shall think reasonable, to prosecute his claim of title, with effect, in one of the courts of record; and that within one year then next ensuing,

Proceedings on
a plea of title

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the fifteenth day of August, next ensuing: *INTES-
TIMONY* whereof, we *Arthur St. Clair,
John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

An ACT repealing certain laws and acts, and part of laws and acts, *Made and published conformably to the act of the United States, entitled, "An act respecting the government of the Territories North. West and South of the Ohio," - at Cincinnati, the fourteenth day of July; one thousand, seven hundred and ninety five; By Arthur St. Clair, governour, John Cleves Symmes, and George Turner, judges, in and over the said Territory,*

Laws repealed
 (viz.)

1. Militia law,
 in part.

2. Probate law
 in part.

3. As to fixing
 terms of gene-
 ral court.

BE it enacted, That the law, and acts, and parts of laws and acts, hereinafter particularly enumerated and expressed, be, and the same are hereby repealed; to wit:

So much of the "law for regulating and establishing the militia in the Territory of the United States North-West of the river Ohio;" and of the "law in addition to" the same as requires the militia to assemble with arms, on Sundays, at the the places appointed for public worship:

So much of the law establishing a court of probate; as respects the appointments and duties of the clerk:

The law for fixing the terms of the General court of the Territory of the United States, North-West of the river Ohio;"

So much of the "law respecting crimes and punishments," as is altered by the law, since adopted, entitled "A law for the trial and punishment of larceny, under a dollar and a half;"

4. As to crimes and punishments, in part.

The "law appointing coroners."

5. As to coroners

The "law limiting the times of commencing civil actions, and instituting criminal prosecutions;" the same being already repealed by Congress:

6. Limitation law.

The "act to prohibit the giving or selling intoxicating liquors to Indians, residing in, or coming into the Territory of the United States North-West of the river Ohio; and for preventing foreigners from trading with Indians therein;" and the same being partly supplied by an act of the United States:

7. Against giving liquors to Indians.

The "act prohibiting the sale of spirituous and other intoxicating liquors, to soldiers in the service of the United States, being within ten miles of any military post within the Territory of the United States North West of the river Ohio; and to prevent the selling or pawning of arms, ammunition, clothing and accoutrements:"

8 Do. to soldiers.

The "act for suppressing and prohibiting every species of gaming for money, or other property; and also, for restraining the disorderly practice of discharging fire-arms, at certain hours and places:"

9. Gaming act, &c.

The "act to alter the terms of the General court:"

10. Altering Gen court terms.

The "act to augment the terms of the county courts of common pleas, from two to four terms in the year; and to increase the number of judges in the said court, and also of the justices of the quorum, in the several counties;"

11. Augmenting common plea terms, &c.

- So much of the "act to authorize and require the courts of General quarter-sessions of the peace, to divide the counties into townships, and to alter the boundaries of the same, when necessary ; and also, to appoint constables, overseers of the poor, and clerks of the townships, and for other purposes therein mentioned ;" as the same may relate to the appointment of clerk of townships, and their duty with respect to estrays.
- The "act creating the office of clerk of the legislature ;"
- The "act abolishing the distinction between the crimes of murder and petit treason ;"
- The "act regulating the enclosures of grounds ;"
- So much of the "act to alter and amend the militia laws," as requires persons assembling at any place, for public worship, to arm themselves ;
- The "act for granting licenses to merchants, traders and tavern keepers ;"
- The "act creating the offices of treasurer general of the Territory, and treasurer for the counties ;"
- The "act directing the manner in which money shall be raised, and levied, to defray the charges which may arise within the several counties in the Territory ;"
- So much of the "act for opening and regulating highways," as relates to bridges ;
- The "act for the disposition of strays ;"
- The "act to repeat certain parts of an act, entitled "an act creating the office of clerk of the legislature ;"
- The "act to regulate the admission of attorneys ;"
- The "act empowering the judges of probate to appoint guardians to minors, and others ;"
12. As to clerk of townships.
22. As to clerks of legislature.
24. As to petit treason.
15. As to enclosures.
16. As to militia attending worship with arms.
17. The license law.
18. As to treasurers.
10. As to county rates.
20. As to highways, in part.
21. As to estrays.
12. As to clerk of legislature in part.
22. As to admission of attorneys.
24. As to judge of probate and minors.

The " act prescribing the forms of writs, in civil causes, and directing the mode of proceeding therein: " and, — 25. As to process

The " act establishing and regulating the fees of the several officers, and other persons therein mentioned." 26. The fee ble.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the fourteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES
NORTH WEST OF THE OHIO.



AR. ST. CLAIR,
JOHN C. SYMMES,
G. FURNER.

A LAW respecting Divorce,
Adopted from the Massachusetts code, and published at Cincinnati, the fifteenth day of July, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.

SECT. I. **D**IVORCES from the bands of matrimony, shall be decreed, where either of the parties had a former wife or husband alive, at the time of solemnizing the second marriage; or impotency or adultery in either of the parties..

II. Divorce from bed and board shall be granted for the cause of extreme cruelty in either of the parties..

III. Whenever a divorce shall be decreed on cause or aggression from the husband, the woman, if no issue of the marriage be living at the time of the divorce, shall be restored to all her lands, tenements and hereditaments, and be allowed out of the man's personal estate such alimony as the court may think reasonable, having regard to the personal property that came to him by the marriage, and his ability: but if there be issue living at the time of the divorce, then the court, in regard to ordering restoration, or granting alimony, may do as circumstances may seem to require, and on application from

Causes for divorce.

Wife's alimony, when and how to be allowed.

either party, may, from time to time, make, at their discretion, such alterations therein, as may be necessary.

IV. If the divorce arise from the cause or aggression of the wife, whether there be living is ^{Restitution of} ^{wife's estate} ^{and distribution} ^{of the children:} ^{or not, of the marriage, the court may} or ^{der to her the restoration of the whole or part, or} ^{to part, of her lands, tenements and hereditaments} and may assign such alimony as shall be thought proper: and may also make such distribution between the parties of their children (if any) as the court shall think proper.

V. The General court and circuit courts shall have the sole cognizance of all divorces applied for or made: and the judges thereof may use such kind of process to carry their judgment into effect, as to them shall seem expedient. Wherever they may think it proper, they may compel the husband to disclose, on oath, what personal estate he hath received in right of his wife: how the same hath been disposed of, and what proportion of it remained in his hands, at the time of the divorce.

What courts
have cogni-
zance herein

VI. No cause of divorce, or alimony, shall be brought before the same courts, unless the party suing or complaining shall file his or her libel in the proper clerk's office, specially setting forth therein the cause of his or her complaint: and shall cause the other party, if in this Territory, to be served with an attested copy thereof, and with a summons commanding him or her to appear at the court where the cause is to be heard fourteen days, at least, before the sitting of the said court: otherwise in such manner as the court shall direct. And where the party libelled shall not be within the county of the par-

Proceedings in
cases of divorces

ties usual residence then such summons shall be published at least once a week for twenty weeks in some public News Paper within such county ; or, where no such News Paper is printed, the summons shall then be published in one of the Territorial News Papers, and a copy thereof stuck up at the court-house door of the proper county. But where the party complained of shall happen to be without the Territory, then notice shall be given, by publishing such summons in one of the said Territorial papers; at least once a week, for the term of forty weeks. The said courts shall have all the powers necessary to the conducting and finally issuing such causes according to the true intent of this law.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing : *INTESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR
JOHN C. SYMMES.
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO. }



ARI. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

A LAW for the Partition of
 Lands. *Adopted from the
 New York code, and pub-
 lished at Cincinnati, the
 seventeenth day of July one
 thousand, seven hundred
 and ninety-five by Arthur
 St. Clair, governor, and
 John Cleves Symmes and
 George Turner, judges, in
 and over the said Terri-
 tory.*

Sect. I. ANY one or more of the proprietors ^{12 weeks pub-}
 of any tract or tracts, parcel or ^{lie notice to be}
 parcels of land which now are, or hereafter may ^{given of any}
 be undivided, incline to have partition therot, ^{intended part}
 may subscribe a writing, and publish the same ^{tion of un}
 in one or more of the public News-papers printed ^{divided lands}
 in the Territory, in the State of Kentucky, and
 at the seat of government of the United States,
 for twelve successive weeks, directed in general
 to all persons interested in such tract or parcel
 of land, specifying the bounds thereof, and ^{The manner}
 giving notice that three commissioners not ^{thereof.}
 interested in such tract or parcel of land, naming
 them and their places of abode, are appointed to
 make such partition, and that they will meet at
 a certain day and place to be also therein men-
 tioned; and to be within ten days after the said
 twelve weeks are expired; to proceed to the
 partition of the said lands, and requiring all per-
 sons interested therein, to attend then and

Concerning
commissioners
for the parti-
tion.

When any com-
missioner is ob-
jected to, ano-
ther may be
appointed—and
how.

There for that purpose, either by themselves or their attorneys : and if no objection to any of the said commissioners be offered in writing to any one of the judges of the General-court, or justices of the interior court of common pleas of the county in which the greatest part of the lands lie, and a notice of such objection in writing served upon the subscriber or subscribers to the notice so directed to be published, or any one of them, and within nine weeks after the first publication thereof, then the commissioners so to be named shall perform the duties required of them by this act. But if such objection and notice be made and given, the judge to whom it was offered shall appoint the parties a day and place within ten days after nine weeks from the first publication of the notice are expired, and then and there hear and determine such objections, and appoint other fit and uninterested persons in the room of those he may think proper to remove as unfit, and such persons so appointed shall thenceforth be the commissioners for executing the powers given to commissioners by virtue of this act, and shall before they proceed to execute their offices, be severally sworn, or (if the people called Quakers) affirmed, before one of the judges of the said General court, or before any of the justices of any interior court of common pleas to perform the trust and services required of a commissioner by this act, fairly and impartially, according to the direction thereof, and the best of his skill and judgment : and a certificate of their being so sworn or affirmed from the person administering the oath, shall be filed with the rest of the proceedings as hereafter directed.

II. Of all surveys and allotments to be made by virtue of this act, two true field books and maps specifying the bounds of every allotment and lot shall be made, and the several allotments and lots laid down and numbered on the said map, and then signed by the said commissioners, one of which said field books and maps shall be filed in the office of the clerk of the county where the greatest part of the lands lay, and the other in the secretary's office of the Territory; which when done, the said commissioners shall cause an advertisement to be published for at least six weeks in one or more of the Newspapers printed in the Territory, in the state of Kentucky, and at the seat of government of the United States, notifying the filing of the field books and maps in the office, and appointing a particular time and place on a day within twenty days after the expiration of the said six weeks, and requiring all persons interested then and there to attend, to see the several lots balloted for; and that the same may be conducted in a just and impartial manner, one or more of the judges of the General court, or one of the justices of the inferior court of common pleas of the county in which the greater part of the lands lie, not interested in the division, upon the request of the said commissioners in writing under their hands, served six days before the time of meeting, shall be present to oversee the balloting so to be made. At which day and place the said commissioners, having then made as many tickets as there are lots in each allotment, with one of the numbers of each lot on every ticket, and as many tickets as there are patentees and proprietors, with the name of one of

the patentees or proprietors on each ticket; the tickets of names shall be put into a box, and the numbered tickets into another box, and such person or persons as the commissioners shall then appoint, shall immediately proceed to draw a ticket of the names, and then a ticket of the numbers, and so proceed until all the tickets are drawn. And after drawing for the lots in one of the allotments, they shall proceed in the same manner to draw for the lots in the other allotment or allotments, if more than one, until the whole drawing is completed. And the lot in each allotment on the maps, bearing the number of the ticket drawn next after drawing the ticket with the name of the patentee or proprietor, shall be the separate and divided share of such patentee or proprietor, and of all persons holding under him or her. Of which balloting, and all the proceedings in such partition the said commissioners shall make a full and fair entry and minute in a book, one copy whereof certified under their hands, or the hands of a majority of them; and under the hand of the judge present, shall be filed in the said secretary's office; and another certified in like manner, in the clerk's office of that county where the greatest part of the lands lay, which same books or an exemplification under the seal of the Territory, shall be good evidence of such partition; and which partition shall be valid and effectual in the law, to divide and separate the said lands.

III. The said commissioners or any two of them, shall within one year next after drawing or balloting the lots aforesaid, proceed to sell that part of the tract which was set apart to defray the expence of the partition, at public ven-

due, to the highest bidder ; whereof six weeks public notice shall be previously given in one of the said News papers ; and their deed to the purchaser shall pass as good a title to such bidder, for the seperate enjoyment of the same, as if all the patentees or proprietors of the said land had made and executed the same in due form of law.

IV. *Provided always*, That no commissioner or commissioners, or any other person in trust for him or them, shall become purchasers of the said land so to be sold, or of any part thereof. And of the whole charge attending such partition, the commissioners shall keep and state a particular account, and lay the same before one or more of the judges of the General court or one or more justices of the inferior court of common pleas of the county where the greatest part of the lands lie ; who are hereby empowered and required to appoint some proper person or persons to audit the saure, after fourteen days notice given in writing by the said commissioners to any three of the proprietors, of the time and place of auditing the said accounts, that they may be heard in objecting to the same, And out of the monies arising by such sale, the commissioners may retain so much as the said auditor or auditors, or the major part of them shall certify to be due to them for their services and disbursements in completing the said partition ; and the surplus if any there is, shall be divided into equal parts according to the number of patentees or proprietors, as aforesaid, and be paid to them or those holding under them ; and the receipt of the said patentees or proprietors as aforesaid, or of any person holding under a

patentee shall be a sufficient discharge to the said commissioners for the share of such patentees or proprietors.

V. And whereas joint tenants, tenants in common, and coparceners of particular lots or parcels of land so divided, or of other lands held in joint tenancy, coparcenary, or in common may be inclined to have partition thereof; that partition may be made thereof, and be as valid, and the expence of the same defrayed in the same manner as the partition of other lands are before directed; the proprietor, in such further or other partition being considered as the patentees are in the partition above prescribed.

VI. In case of the partition of any patents or tracts of land on which improvements have heretofore been made by any owner or proprietor, or by any person or persons, by consent of any owner or owners, proprietor or proprietors of any such patents or tracts of land; the person or persons to whose shares such parcels of improved lands shall fall upon a partition of such patents or tracts of land, shall before he or they be permitted to the possession of the same, pay the respective possessor or possessors thereof, the value of the improvements made thereon: and in order to settle and ascertain the value of such improvements, the said commissioners are hereby fully authorised, empowered and directed, at the request of the party or parties to whom such parcel or parcels of improved lands shall, upon such partition as aforesaid, appertain, issue their precept to the sheriff of the county in which the lands lie, commanding him to summon twelve freeholders having the proper and legal qualifications of jurors, to attend the said

commissioners on the premises, at a day to be appointed in the said precept, not exceeding thirty days after the date thereof, to assess the value of such improvements; at which day and place the said commissioners shall swear the said freeholders; well and truly to inquire into and assess the value of the said improvements, and then shall proceed with their assistance in a summary manner, to inquire into and assess the same, and make duplicates of such their inquiries and assessments under their hand and seals, and the hands and seals of the said freeholders; one of which said duplicates shall be delivered to each of the parties. And in case the possessor or possessors of such improved lands shall not within thirty days next after a tender to him or them made of the assessed value by the person or persons to whom the said improved lands shall upon such partition as aforesaid belong peaceable and quietly deliver up to him or them, the possession of the same, the said commissioners or any or either of them shall upon proof of such tender, made before him or them or any or either of them, by the oath of one or more credible witnesses, issue a precept in writing under the hands and seals of them the said commissioners or the hands and seals or hand and seal of any or either of them, to the sheriff of the county in which such improved lands respectively lie, commanding him to put the person or persons to whom such improved lands shall upon such partition belong, into full and peaceable possession of the same.

Provided always, That the costs, charges and expences attending, as well on such assessment as aforesaid as on the putting of the party or

parties into the possession of such improved lands, shall be estimated according to the regulations herein after prescribed, and shall be paid by the respective possessor or possessors of such improved lands, and on his, her or their refusal to pay the same, shall be levied on his, her or their goods and chattels by warrant under the hands and seals of the said commissioners, or the hand and seal of any one or more of them, directed to the said sheriff of the county wherein such improved lands respectively lie, who is hereby required to perform that service.

VII. And inasmuch as the said commissioners, in such further or other partition, may, through the great number of proprietors and rights, proceed upon a mistake, either by supposing them too few or too many : therefore if any lot or lots shall be set off and drawn for any person having no title to the lands to be divided, such lot or lots shall be considered as lands still undivided ; and if no lot or lots shall be set off and drawn for any person having title, nothing herein shall be construed to defeat such title. Provided nevertheless that the partition shall be considered as fully completed, to all intents and purposes, between all and every the other proprietors of the said lands.

VIII. If any of the commissioners so to be appointed to make any partition by virtue of this act, shall die before the same is completed, their powers shall vest in, and be exercised by the survivors or survivor of them.

IX. One of the said commissioners shall be sworn as surveyor, previous to the said survey to be performed (or if the people called Quakers, shall make affirmation) to perform the same truly

and impartially, and accordingly execute the duties of surveyor : which said oath or affirmation, either of the other two commissioners are hereby empowered to administer; and which oath or affirmation shall be entered in the minutes of their proceedings, and certified by the other two commissioners, and that one other of the said commissioners shall act as clerk, and as such shall take minutes of all their proceedings.

X In case the said commissioner, being a surveyor as aforesaid, shall die before the survey be completed, or through sickness or some other cause be rendered incapable to complete the same, that in such case the surviving commissioner or commissioners shall and may thereupon nominate, appoint and qualify another surveyor to carry on and complete the same. Or in case either of the said commissioners be a surveyor, he shall and may be qualified and act as surveyor and complete the survey in like manner : which said surveyor shall have twenty eight shillings per day for his services. The said commissioner acting as surveyor, shall have twenty eight shillings per day; the commissioner acting as clerk, twenty eight shillings per day; and the other of the said commissioners, twenty four shillings per day, while actually employed in the said service; and each of the chain bearers, and the flag bearer and marker (whenever the commissioners shall think such flag bearer or marker necessary) shall have ten shillings per day; and the persons who audit their accounts, twenty shillings per day for their services: which allowances shall be in full for their services, and all expences attending the said survey; but the auditors may allow a rear

sonable sum for defraying the expence of the attendance of the judges, the advertising and balloting herein before directed.

XI. Whereas many small estates held in common require a more easy and less expensive mode for the division thereof, than that which is herein before provided; where any such lands, tenements, or hereditaments shall be held in common, it shall and may be lawful for the court of common pleas in the county where such lands shall be, upon the application of one or more of the owners or proprietors of such lands, tenements and hereditaments, for partition thereof, it being proved to the satisfaction of the court that the value of the said lands, tenements and hereditaments do not exceed twelve thousand dollars, to appoint three reputable freeholders of the county commissioners for that purpose, affidavit being first made before the court, by the person or persons making such application, that the other owners or proprietors residing within the State, or the guardians of such owners or proprietors as are minors, have had thirty days previous notice of his or their intention of making such application; and the commissioners so to be appointed, after they shall have been duly sworn before one of the justices of the court of common pleas in such county, honestly and impartially to execute the trust reposed in them respectively as commissioners for making partition of the lands, tenements and hereditaments as directed by the court, shall proceed to make partition of the said lands, tenements and hereditaments, among the owners and proprietors thereof, according to their respective rights therein: which parti-

tition being made by the said commissioners, or any two of them, and a return being made thereof in writing, under their hands and seals, to the court, particularly describing the lots allotted to each respective owner or proprietor, and mentioning which of the owners or proprietors are minors, if any such there shall be; which return, being acknowledged by the said commissioners, or any two of them, before one of the justices of such court, and accepted by the court, and entered of record in the clerk's office, shall be a partition of such lands, tenements and hereditaments as are therein mentioned.

XII. Provided always, That where any houses and lots are so circumstanced that a division thereof cannot be made without great prejudice to the owners or proprietors of the same, and the commissioners appointed to make partition of the same shall so report to the court, if it shall then appear to the court that such houses and lots do not exceed in value the sum of eight thousand dollars, the court shall thereupon give orders to the said commissioners to sell such house and lot, or houses and lots of land, at public vendue, and shall make and execute good and sufficient conveyances to the purchaser or purchasers thereof, which shall operate as an effectual bar, both in law and equity, against such owners, proprietors, and all persons claiming under them; and the monies arising therefrom to pay to the owners, or proprietors of such houses and lots of land, their guardians or legal representatives, as shall be directed in the said order, retaining in their hands, for their services and expences, such sum

as shall be allowed by the court; and the said commissioners, on a division of lands, tenements and hereditaments, by order of the court as aforesaid, shall be allowed such sum as the court shall award for their services and expences, to be paid by the owners or proprietors of the lands, tenements and hereditaments so divided, in proportion to their respective rights therein; and in case of the neglect or refusal of any of the owners or proprietors to pay his, her, or their proportion of the sum so awarded, the court shall order so much of the lands, tenements and hereditaments allotted to such owner or proprietor so refusing or neglecting, to be sold at public vendue as will be sufficient to pay his or her proportion of the sum awarded by the court, together with the costs of such sale. And provided also, that no division or sale shall be made by order of the court as above directed, contrary to the intention of any testator, as expressed in his last will and testament.

XIII. And the guardians of all minors, shall be and hereby are respectively authorised and empowered, on behalf of the respective minors whose guardians they are, to do and perform any act, matter, or thing respecting the division of any lands, tenements and hereditaments as is directed in the above preceding clause, which shall be binding on such minor, and be deemed as valid to every purpose as if the same had been done by such minor after he should have arrived at full age.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the

first day of October, one thousand, seven hundred and ninety five: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR ST. CLAIR
JOHN C. SYMMES.
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

A LAW allowing Foreign Attachments. *Adopted from the New Jersey code, and published at Cincinnati, the fifteenth day of July one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **T**HE lands and tenements, goods, chattels and effects, rights and credits of every person or persons non-resident in this Territory, shall and may be attached, for the payment of any just debt or other demand, by a writ or writs to be issued out of the General court, or any circuit court, or court of common pleas, and, as early as may be, shall and may be proceeded against in the same manner as is directed against the lands, tenements hereditaments and estates of absconding debtors; except where otherwise herein directed.

II. *Provided*, That every person or persons applying for such writ or writs of attachment, shall, before the issuing thereof, make oath or affirmation (and which shall be filed in the proper clerk's office) that he, she or they verily believe, that the person or persons against whose estate, or estates, the application is made; is, or are not, at that time, resident within the Territory; and that such person or persons is, or are, justly, indebted unto the said plaintiff, or plaintiffs, in a certain sum or sums of money, as nearly as may be, to the amount of the debt or other demand of such plaintiff, or plaintiffs, as the case may admit; and as he, she or they can lawfully swear or affirm to.

III. Where two or more persons are jointly indebted, either as joint obligors, partners, or otherwise; then the writ or writs of attachment shall and may be issued against the separate and joint estate of such joint debtors, or any of them, either by their proper names, or by or in the name or style of the partnership; or by whatever other name or names such joint debtors shall be generally reputed, known or distinguished within this Territory; or against the heirs, executors or administrators of them, or either or any of them. And the lands, tenements, goods, chattels and effects, or any of them, shall be liable to be seized and taken for the satisfaction of any just debt, or other demand; and may be sold to satisfy the same.

IV. No judgment shall be entered in any attachment, hereby directed to be issued; until the expiration of twelve months; during which term the party suing out the attachment shall, and he is hereby required to cause notice thereof to be

advertised in one of the public News papers of this Territory, at least three times ; and shall, in like manner, cause the same to be advertised in one of the News-papers, at the seat of the United States - government, wherever it may then be ; and also in one of the news papers, published in Kentucky : which advertisement shall set forth, that a foreign attachment or attachments have been issued, at whose suit, and against whose estate or estates the same so issued ; and that unless the debtor or debtors, whose estate or estates are so seized, shall appear, by himself or attorney, to give special bail to answer such suit ; that, then, judgment will be entered against such debtor or debtors by default, and the estate or estates attached, be sold for the satisfaction of all creditors who shall appear to be justly entitled to a demand thereon, and shall apply for that purpose.

V. No creditor or creditors, entitled to any share of estates, sold under this law, shall receive the same, until he, she or they shall enter into bond to the defendant or defendants, with good and sufficient security, to be approved of by the court, and also to be filed in the office aforesaid, in double the sum so to be received ; with condition thereunder written, that the party so receiving, shall appear to any suit or suits that shall or may be brought by such defendant, or defendants, within the space of twelve months, then next ensuing ; and shall pay unto such defendant or defendants all sums of money which, on trial to be had thereon, shall appear to have been received, and not justly due and owing to

such creditor or creditors; together with costs of suit.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

A. S. C. L.
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES
G. TURNER.

A LAW concerning the duty and power of Coroners. *Adopted from the Massachusetts code, and published at Cincinnati, the sixteenth day of July, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **E**VIFY coroner within the county for which he is appointed, shall serve all writs and precepts, when the sheriff, or any of his deputies, shall be a party to the same; and shall return juries, in all causes, where the sheriff shall be interested, or related to either party. The coroners shall take inquests of vio-

Coroner to
serve process
where sheriff is
a party, or in-
terested.

Inquests.

lent deaths, and casual deaths happening within their respective counties; and shall before they enter upon the duties of their respective offices, be severally sworn (or affirmed) to the faithful discharge thereof; and give security in the same manner as sheriffs are obliged to do.

His recogni-
zance as to
violent or cas-
ual deaths.
Security to be
laid in.

11. Every coroner shall, as soon as he shall be certified of the dead body of any person, supposed to have come to his or her death, by violence or casualty, found or lying within his county, make out his warrant, directed to the constable of the township where the dead body is found or lying, requiring him forthwith to summon a jury of good and lawful men of the same township, not less than eighteen, in all, (so that twelve may be present) to appear before such coroner, at the time and place in his warrant expressed, and to enquire, upon a view of the body of (name here the person deceased, if known) there lying dead, how, in what manner, and by whom he, or she came by his or her death. And every constable, to whom such warrant shall be directed and delivered, shall, forthwith, execute the same; and shall repair to the place where the dead body is, at the time mentioned, and make return of the warrant, with his proceedings thereon, unto the coroner who granted the same. Every constable, failing, unnecessarily, of executing such warrant: or of returning the same, as aforesaid, shall forfeit and pay the sum of eight dollars: and every person summoned as a juror, as aforesaid, that shall fail of appearance, without having a reasonable excuse shall forfeit five dollars. Which fines shall be recovered, by action of debt, before any jurisdiction that can take cogni-

Duties and
proceedings of
the coroner.

Fine on con-
stable failing
in his duty.

Fine on jurors
neglecting
theirs.

rance of the same, and be applied to the use of the county.

III. The coroner shall administer an oath (or affirmation) to twelve of the jurors that shall appear; to the foreman, first, in the following form:—

Foreman's
oath.

YOU do solemnly swear (or solemnly, sincerely and truly declare and affirm, as the case is) that you will diligently enquire, and true presentment make, how, in what manner, and by whom A. B. who here lies dead, came to his death: and you shall deliver to me, one of the coroners for this county a true inquest thereof according to such evidence as shall be laid before you and according to your knowledge: So help you God.

IV. The other jurors shall swear, or affirm (as the case may be) in the following form:—

Juror's oath.

SUCH oath (or affirmation) as your foreman hath taken you and each and every of you shall well and truly observe and keep: So help you God.

Coroner to
charge the ju-
ry.

V. The jurors being sworn the coroner shall give them a charge upon their oaths to declare of the death of the person; whether he or she died of felony, or mischance or accident; and if of felony, who were principals and who were accessaries, with what instrument he or she was struck or wounded and so of all prevailing circumstances which may come by presumption: and if by mischance or accident, whether by the act of man and whether by hurt fall stroke, drowning or otherwise: also to enquire if the persons, who (if any) were present, the finders of the body, his or her relations and neighbours; whether he or she was killed in the same

place where the body was found ; and, if elsewhere, by whom, and how the body was brought thence ; and of all other circumstances, relating to the said death. And if he or she died of his or her own felony, then to enquire of the manner, means or instrument, and of all circumstances concerning it.

VI. The jury being charged, shall stand together ; and proclamation shall be made for any persons, who can give evidence, to draw near, and they shall be heard.

VII. Every coroner is further empowered to send out his warrant for witnesses, commanding them to come before him to be examined, and to declare their knowledge concerning the matter in question. He shall administer an oath (or affirmation) to them in form following :

Coroner may command attendance of witnesses.

YOU do solemnly swear (or solemnly, sincerely and truly declare and affirm) that the evidence you shall give to this inquest, concerning the death of A. B. here lying dead, shall be the truth, the whole truth, and nothing but the truth : So help you God.

VIII. The evidence of such witnesses shall be in writing, subscribed by them : and if it relate to the trial of any person concerned in the death, then shall the coroner bind such witnesses, by recognizance, in a reasonable sum, for their personal appearance at the next General, or circuit court, to be holden within the same county, there to give evidence accordingly ; and commit to the common jail of the county, any witness, or witnesses, refusing to enter into such recognizance ; and shall return to the same court the inquisition, written evidence and recognizance by him taken. And the jury, having viewed

Witnesses to give and sign evidence in writing, &c.

Or, be committed.

Verdict of the
inquest,

the body, heard the evidence, and made all the enquiry within their power, shall draw up and deliver unto the coroner, their verdict upon the death under consideration, in writing, under their hands and seals.

Offenders, how
to be secured.

IX. Upon an inquisition found before any coroner, of the death of any person, by the felony, or misfortune of another, he shall speedily inform one or more of the justices of the same county thereof : to the intent, that the persons killing, or being any way instrumental to the death, may be apprehended, examined and secured, in order for trial.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the fifteenth day of August, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR
JOHN C. SYMMES.
G. TURNER.

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR,
 JOHN C. SYMMES
 G. TURNER.

A LAW for continuing suits in the General and Circuit Courts. *Adopted from the Virginia code, and published at Cincinnati, the eighteenth day of July, one thousand, seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

WHENEVER a judge of the Territory may not be able to attend, to hold the General court, or circuit court, at the stated term to which such court stands adjourned, all suits depending in the said courts, or either of them, shall stand continued over to the next succeeding court,

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing: *INTES- TIMOVY* whereof, we *Arthur St. Clair, John Cleves Symmes and George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names:

AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH-WEST OF THE OHIO. }



AR. ST. CLAIR;
JOHN C. SYMMES,
G. TURNER

A LAW to Suppress Gaming. *Adopted from the Virginia code, and published at Cincinnati, the sixteenth day of July one thousand, seven hundred and ninety-five; by Arthur St. Clair, governor, and John Cleves Symmes and George Turner, judges, in and over the said Territory.*

Sect. I. **E**VERY promise, agreement, note, bill, bond, or other contract shall be void; if made to pay, deliver or secure money; or, other, thing, won or obtained by playing, at cards, dice, tables, tennis, bowls or other games; or by betting or laying on the hands and sides of any person who shall play at such games, or be won or obtained by betting or laying on any horse race or cock fighting, or at any other sport or pastime; or on any wager whatever, or to repay or secure money, or other thing lent or advanced, for that purpose, or lent or advanced at the time of such gaming, sporting, or wager, to a person then actually playing, betting, laying or adventuring,

II. Any conveyance or lease of lands, tenements, or hereditaments, sold, demised, or mortgaged; and any sale, mortgage or other transfer of personal estate, to any person; or for his use, to satisfy or secure money, or other thing.

by him won of, or lent or advanced to the seller, lessor, or mortgagor ; or whereof money or other thing so won, lent, or advanced be part or all of the consideration, shall enure to the use of the heir of such mortgagor, lessor, bargainor or vendor, and shall vest the whole estate and interest of such person in the lands tenements or hereditaments so leased; mortgaged; bargained or sold, and in the personal estate so sold, mortgaged, or otherwise transferred; to all intents and purposes in the heir of such lessor, bargainor, mortgagor or vendor, as if such lessor, bargainor mortgagor or vendor had died intestate.

III. No tavern keeper; or innholder; shall permit or suffer cards, dice, billiards, or any instrument of gaming to be made use of in his dwelling house or in any outhouse or under any booth, arbour or other place upon the messuage or tenement he occupies where money, or other property shall be betted or played for; upon pain of being deprived of his license, and forfeiting a sum not exceeding two hundred dollars, nor less than fifty dollars ; to be recovered by action of debt, in any court of record ; one half to the party first informing, the other half to the use of the Territory : but where the action shall be brought, ex officio by the officer prosecuting the pleas, then the whole of such fine shall go to the use of the Territory.

IV, *Provided*; That if such tavern keeper, or inn holder, shall give information of the offence and the name or names of the party offending, to the court next sitting in or for the county wherein he resides, he shall not be subject to the disability and penalty last mentioned.

V. Two justices of the peace may cause to come before them any person not possessing a visible estate, nor exercising a lawful trade or profession, and suspected by them to support himself, for the most part, by gaming: and if, upon examination, the suspicion shall appear to be well founded, they shall require surety of him for his good behaviour during the term of twelve months; and if, before the expiration thereof, he shall play for, or bet any money or other thing, or cause or suffer, any game whatever to be played for money or other thing, he shall be adjudged to have broken the condition of his recognizance.

VI. No person, in order to raise money or other property, for himself or another, shall publicly, or privately, put up a lottery of blanks and prizes to be drawn or adventured for, or any prize or thing to be raffled or played for. Whoever shall offend herein shall forfeit to the use of the Territory the whole sum of money or property proposed to be so raised or gained.

VII. The presiding judge or justice in the several courts of law, shall at every court give this act in charge to the grand jury as soon as sworn.

THE foregoing is hereby declared to be a law of the Territory; to take effect on and from the first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. ST. CLAIR,
JOHN C. YMMES,
G. TURNER..

TERRITORY OF THE UNITED STATES }
 NORTH-WEST OF THE OHIO.



AR. ST. CLAIR,
 JOHN C. SYMMES,
 G. TURNER.

A LAW as to proceedings in
 Ejectment, distress for rent,
 and Tenants at will holding
 over. *Adopted from the
 Pennsylvanian code, and
 published at Cincinnati, the
 seventeenth day of July, one
 thousand, seven hundred
 and ninety-five; by Arthur
 St. Clair, governour, and
 John Cleves Symmes, and
 George Turner, judges, in and
 over the said Territory.*

Distress for
 rent, how
 made.

Sect. I. **W**HERE any goods or chattels shall
 be distrained for any rent, re-
 served and due upon any demise, lease or con-
 tract, whatsoever, and the tenant or owner of
 the goods, so distrained; shall not, within five
 days, next after such distress taken (and notice
 thereof, with the cause of such taking, left at
 the dwelling house, or other most notorious
 place on the premises, charged with the rent
 distrained for) replevy the same, with sufficient
 security to be given to the sheriff, according to
 law that then, and in such case, after such dis-
 tress and notice, as aforesaid, and expiration of
 the said five days, the person distraining shall
 and may, with the sheriff, under sheriff, or
 any constable in the city or county where such
 distress shall be taken (who are hereby required
 to be aiding and assisting therein,) cause the
 goods and chattels, so distrained, to be appraised

Owners of
 goods distrain-
 ed when to re-
 plevy.

Otherwise, the
 distress to be
 paid.

Appraiser's
oath.

When distress
may be sold.

Penalty on
rescous of
goods dis-
trained.

Distress, under
a fictitious de-
mand, subjects
distraisor to
forfeit double
the value, with
costs.

by two reputable freeholders, who shall have and receive, for their trouble the sum of fifty cents, per diem, each, and in that proportion for a longer or shorter time; and shall first take the following oath or affirmation. *I, A. B. will well and truly, according to the best of my understanding, appraise the goods and chattels of C. D. distrained on, for rent; by E. F.* Which oath or affirmation, such sheriff, under-sheriff or constable, is hereby empowered and required to administer; and, after such appraisement, shall or may, after six days public notice, lawfully sell the goods and chattels, so distrained, for the best price that can be gotten for the same; for and towards satisfaction of the rent for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisement and sale; leaving the overplus if any, in the hands of the said sheriff under-sheriff or constable, for the owners use.

II Upon any pound breach or rescous of goods or chattels distrained for rent the person or persons grieved thereby shall in a special action upon the case for the wrong thereby sustained recover his her or their treble damages, and costs of suit against the offender or offenders in such rescous or pound breach any or either of them; or against the owner or owners of the goods distrained in case the same be afterwards found to have come to his or their use or possession.

III. *Provided*, That in case any distress and sale shall be made, by virtue of this law, for rent pretended to be in arrear and due when in truth, no rent shall appear to be in arrear or due to the person or persons distraining or to

him or them in whose name or names, or right, such distress shall be taken as aforesaid; then the owner of such goods and chattels, distrained and sold, as aforesaid, his executors or administrators, shall and may, by action of trespass, or upon the case, to be brought against the person or persons so distraining, any or either of them, his or their executors or administrators, recover double the value of the goods or chattels, so distrained and sold, together with full costs of suit.

IV. The goods and chattels lying or being in or upon any messuage, lands or tenements, which are or shall be leased for life or lives, term of years, or otherwise, taken by virtue of any execution, shall be liable to the payment of all such sum or sums of money, as are or shall be due for rent for the premises, at the time of taking such goods and chattels by virtue of such execution. And the said sheriff shall, after sale of the said goods and chattels, pay to the land-lord, or other person empowered to receive the same, such rent so due, if so much shall be in his hands; and, if not, so much as shall be in his hands; and apply the overplus thereof, if any, towards satisfying the debt and costs, in such execution mentioned: Provided always, that the said rent, so to be, paid to the land-lord, shall not exceed one year's rent.

House-rent due to be first paid out of goods distrained.

Sheriff to pay it over to land-lord.

But not exceeding one year's rent.

V. In case any lessee or tenant for life or lives, term of years, at will, or otherwise, of any messuages, lands, or tenements, upon the demise whereof any rents are or shall be reserved, or made payable, shall, fraudulently, or clandestinely, convey or carry off, from such demised premises, his goods or chattels, with intent to

Tenant clandestinely removing his goods, land-lord may dis-

train them
wherever
found within
30 days.

prevent the land-lord, or lessor, from distraining the same for arrears of such rent, so reserved, as aforesaid, it shall and may be lawful to and for such lessor, or land-lord, or any other person or persons, by him, for that purpose, lawfully empowered, within the space of thirty days, next ensuing such conveying away, or carrying off such goods, or chattels as aforesaid, to take and seize such goods and chattels, wherever the same may be found, as a distress for the said arrears of such rent, and the same to sell or otherwise dispose of, in such manner, as if the said goods and chattels, had actually been distrained by such lessor, or land lord, in or upon such demised premises, for such arrears of rent; any law, custom or usage to the contrary, notwithstanding.

Provided such
goods were not
before, bona
fide, sold to an-
other.

VI. Provided nevertheless, That nothing herein contained shall extend, or be deemed or construed to extend, to empower such lessor, or land-lord; to take or seize any such goods or chattels, as a distress for arrears of rent, which shall be bona fide, and for a valuable consideration, sold before such seizure made to any person or persons not privy to such fraud, as aforesaid: any thing herein to the contrary notwithstanding.

Power to land-
lord or lessor,
to distrain cat-
tle, stock, corn,
&c.

VII. It shall and may be lawful to and for every lessor or land-lord, lessors or land lords or his her or their bailiffs receivers or other person or persons, empowered by him, her, or them, to take and seize as a distress for arrears of rent, any cattle or stock of their respective tenant or tenants, feeding or pasturing upon all or any part of the premises demised or holden, and also to take and seize all sorts of corn and grass hops, roots, fruits, pulc or other product whatsoever, which

shall be growing on any part of the estate or estates, so demised or holden, as a distress for arrears of rent; and to appraise, sell or otherwise dispose of the same towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress, appraisement and sale, in the same manner as other goods and chattels may be seized, distrained and disposed of; and the purchaser of any such corn, grass, hops, roots fruits, pulse or other product, shall have free egress and regress to and from the same, where growing, to repair the fences from time to time, and when ripe to cut, gather make cure, and lay up and thrash, and after to carry the same away, in the same manner as the tenant might, legally have done, had such distress never been made

With liberty
of egress and
regress to re-
pair fences and
perfect the
crops.

VIII. Whereas great inconveniencies may frequently happen to land-lords by their tenants secreting declarations in ejectments which may be delivered to them; or by refusing to appear to such ejectment; or to suffer their land lords to take upon them the defence thereof. Every tenant, therefore, to whom any declaration in ejectment shall be delivered for any land, tenements or hereditaments, within the Territory shall, forthwith give notice thereof to his or her land lord, or land lords or his her or their bailiffs receivers agent or attorney; under penalty of forfeiting the value of two years rent of the premises so demised, or holden in the possession of such tenant to the person of whom he or she holds; to be recovered by action of debt to be brought in any court where the same may be cognizable wherein no essoin, protection or wa-

Tenant con-
cealing decla-
rations in eject-
ment, 2 years
rent.

ger of law shall be allowed, nor any more than one imparlance,

Court may suffer land-lord suing, to be come defendant in ejectment.

On non appearance of tenant judgment to go against the casual ejector.

Land-lord may by self or attorney and enter into rule, &c.

XI. It shall and may be lawful for the court where such ejectment shall be brought to suffer the land-lord or land-lords to make him, her, or themselves defendant or defendants, by joining with the tenant or tenants to whom such declaration in ejectment shall be delivered, in case he or they shall appear: but in case such tenant or tenants shall refuse or neglect to appear, judgment shall be signed against the casual ejector, for want of such appearance, but if the land-lord or land-lords of any part of the lands, tenements or hereditaments for which such ejectment was brought, shall desire to appear by himself or themselves, and consent to enter into the like rule that, by the course of the court, the tenant in possession, in case he or she had appeared, ought to have done; then the court, where such ejectment shall be brought, shall and may permit such land-lords so to do, and order a stay of execution, upon such judgment against the casual ejector, until they shall make further order therein.

Defts. in replevin may avow or make connuizance, generally.

X. Whereas great difficulties often arise in making avowries, or connuizance, upon distress, for rent: it shall and may be lawful, for all defendants in replevin to avow or make connuizances generally, that the plaintiff in replevin, or other tenant of the lands, and tenements, whereon such distress was made, enjoyed the same under a grant or demise, at such a certain rent or service, during the time wherein the rent or service distrained for incurred; which rent or service was then, and still remains, due; without further setting forth the grant, tenure, demise or title of such land-lord or land-lords, lessor or lessors;

any law or usage to the contrary, notwithstanding and if the plaintiff or plaintiffs in such action shall become nonsuit, discontinue his, her or their action, or have judgment given against him, her or them, the defendant or defendants, in such replevin, shall recover double costs of suit.

If plaintiff be non-suit, discontinue or lose the cause he forfeits double costs.

XI And to prevent vexatious replevins, or distresses, taken for rent, all sheriffs and other officers, having authority to serve replevins, may and shall, in every replevin of a distress for rent, take in their own names, from the plaintiff and one responsible person, as surety, a bond in double the value of the goods distrained (such value to be ascertained by the oath, or affirmation, of one or more credible person or persons, not interested in the goods or distress, and which oath or affirmation, the person serving such replevin is hereby authorized and required to administer) and conditioned for prosecuting the suit with effect and without delay, and for duly returning the goods and chattels distrained in case a return shall be awarded before any deliverance be made of the distress. And such sheriff, or other officer as aforesaid: taking any such bonds, shall, at the request and costs of the avowant or person making connuance assign such bond to the avowant, or person aforesaid, by endorsing the same and attesting it under his hand and seal in the presence of two credible witnesses. And if the bond so taken and assigned, be forfeited the avowant, or person making connuance, may bring an action, and recover thereupon, in his own name: and the court where such action shall be brought may by a rule of the same court give such relief to the parties

Sheriff &c. serving replevins, to take plaintiff's bond, with security, to prosecute with effect

Sheriff may also sign the bond.

at discretion,
court may rule
relief to par
ties to the
bond.

upon such bond as may be agreeable to justice and reason: and such rule shall have the nature and effect of a defeasance to such bond.

Proceedings
against tenants
refusing to quit
at the end of
their term.

How justices to
have cogni-
zance in such
cases.

Their power
and duty—and
proceedings to
be had before
them.

XII. Where any person or persons have leased or demised any lands, or tenements to any person or persons for a term of one or more years, or at will, paying certain rents, and he or they, or his or their heirs or assigns shall be desirous, upon the determination of the lease to have again, and repossess his or their estate so demised and for that purpose, shall demand and require his or their lessee or tenant to remove from and leave the same; if the lessee or tenant shall refuse to comply therewith, in three months after such request, to him made, it shall and may be lawful to and for such lessor or lessors, his or their heirs and assigns, to complain thereof, to any two justices of the peace, in the county where the demised premises are situate: and upon due proof made before the said justices, that the said lessor or lessors had been quietly and peaceably possessed of the lands or tenements, so demanded to be delivered up: that he or they demised the same, under certain rents to the then tenant in possession, or some person or persons under whom such tenant claims, or came into possession; and that the term for which the same was demised, is fully ended; then and in such case, it shall and may be lawful for the said two justices to whom complaint shall be made as aforesaid, and they are hereby enjoined and required, forthwith to issue their warrant, directed to the sheriff of the county, thereby commanding the sheriff to summon twelve freeholders to appear before the said justices within four days next after issuing such warrant; and also to summon

the lessee or tenant, or other person claiming or coming into possession, under the said lessee, or tenant at the same time, to appear before them, the said justices and freeholders, to shew cause if any he has, why restitution of the possession of the demised premises should not be forthwith, made to such lessor or lessors, his or their heirs or assigns: and if upon hearing the parties (or in case the tenant or other person claiming or coming into possession, under the said lessee or tenant, neglect to appear; after being summoned as afore said) it shall appear to the said justices and freeholders, that the lessor or lessors had been possessed of the lands or tenements in question; that he or they had demised the same for a term of years or at will, to the person in possession or so ne other under whom he or she claims or came into possession, at a certain yearly or other rent; and that the term is fully ended; that demin had been made of the lessee or other person in possession, as afore said to leave the premises three months before such application to the said justices; then and in every such case it shall and lawfully be lawful for the said two justices, to make a record of such finding by them the said justices and freeholders: and the said freeholders shall assess such damages, as they think right against the tenant, or other person in possession, as aforesaid for the unjust detention of the demised premises, for which damages, and reasonable costs, judgment shall be entered, by the said justices and shall be final and conclusive to the parties, and upon which the said justices shall, and they are hereby enjoined and required, to issue their warrant under their hands and seals, directed to the sher.

judgment
against tenant
holding over

Re-possession of
the premises
given by the
sheriff.

riff of the county, commanding him, forthwith to deliver to the lessor or lessors, his or their heirs or assigns, full possession of the demised premises aforesaid ; and to levy the costs taxed by the justices, and damages, so by the freeholders, aforesaid, assessed, of the goods and chattels of the lessee or tenant, or other person in possession, as aforesaid ; any law, custom or usage to the contrary, notwithstanding.

When title set
up by lessee or
tenant, pro-
ceedings there-
on.

XIII. Provided nevertheless, That if the tenant shall alledge that the title to the lands and tenements, in question, is disputed, and claimed by some other person or persons whom he shall name, in virtue of a right or title, accrued or happening since the commencement of the lease, so as aforesaid made to him by descent, deed, or from or under the last will of the lessor ; and if, thereupon, the person, so claiming, shall, forthwith, or upon a summons, immediately to be issued, by the said justices, returnable before them in six days, next following, appear, and, on oath or affirmation, to be by the said justices administered, declare, that, he verily believes, he is intitled to the premises in dispute ; and shall, with one or more sufficient surities, become bound, by recognizance in the sum of two hundred dollars to the lessor or lessors, his or their heirs or assigns, to prosecute his claim at the next court of common pleas to be held for the county where the said lands and tenements shall be ; then and in such case, and not otherwise, the said justices shall forbear to give the said judgment.

Claimant to
give bond to
prosecute his
claim at the
next court of
C. P.

But if the
claim be not so
prosecuted
judgement to
be rendered.

XIV. Provided also, That if the said claim shall not be prosecuted, according to the true intent and meaning of the said recognizance, it shall be forfeited to the use of the lessor or land lord,

and the justices aforesaid, shall proceed to give judgment; and cause the lands and tenements, aforesaid, to be delivered to him, in the manner herein before enjoined and directed,

XV. It shall and may be lawful for any person or persons, having any rent in arrear, or due upon lease for life, or lives, or for one or more years, or at will, ended or determined, to distrain for such arrears after the determination of the said respective leases, in the same manner as they might have done, if such lease or leases had not been ended or determined: provided that such distress be made during the continuance of such lessor's title or interest.

THE foregoing is hereby declared to be a law of the Territory ; to take effect on and from the first day of October, next ensuing: *IN TESTIMONY* whereof, we *Arthur St. Clair, John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR. SR. CLAIR,
JOHN C. SYMMES,
G. TURNER.

TERRITORY OF THE UNITED STATES }
NORTH WEST OF THE OHIO. }



AR. ST. CLAIR,
JOHN C. SYMMES
G. TURNER.

A LAW Limiting Imprisonment for debt, and subjecting certain debtors and delinquents to servitude. *Adopted from the Pennsylvanian code, and published at Cincinnati, the fifteenth day August, one thousand; seven hundred and ninety-five; by Arthur St. Clair, governour, and John Cleves Symmes and George Turner, judges; in and over the said Territory.*

Imprisonment
for debt to be
limited; unless
&c.

Concealment of
estates.

Personal servitude of debtor,
to pay the
debt.

Under what
ages.

NO person shall be kept in prison, for debt or fines, longer than the second day of the sessions next after his or her commitment; unless the plaintiff shall make it appear, that the person imprisoned hath some estate that he will not disclose: then, and in every such case, the court shall examine all persons suspected to be privy to the concealment of such estate; and if no sufficient estate be found, the debtor shall make satisfaction, by personal and reasonable servitude, according to the judgment of the court where such action is tried (but only if the plaintiff require it) not exceeding seven years, where such debtor is unmarried, and under the age of forty years; unless it be the request of the debtor, who may be above that age: but if the debtor be married, and under the age of thirty six, the servitude shall be for five years, only; and with which the married man, upwards of thirty six shall be privileged, if it be his request. Should the plaintiff refuse to accept such satisfaction, accor

to the judgment of the court, as aforesaid, then the prisoner shall be discharged, in open court, and the plaintiff be forever barred from any further or other action for the same debt.

THE foregoing is hereby declared to be a law, of the Territory ; to take immediate effect, and continue in force until and to the end of the next session of the governour and judges, in their legislative capacity : *IN TESTIMONY* whereof, we *Arthur St. Clair. John Cleves Symmes* and *George Turner*, have caused the seal of the Territory to be thereunto affixed, and signed the same with our names.

AR ST. CLAIR,
JOHN C. SYMMES,
G. TURNER.

APPENDIX.

FRIDAY, August 7, 1795.

On Motion of Judge Turner,

RESOLVED,

THAT the minutes of the Legislature, together with the exhibited accounts of the Public Treasurers, may be published, from time to time, by any Printer willing to print and publish the same, for his own emolument, but at his own private expense.

THURSDAY, August 13.

RESOLVED,

That public convenience requires, that the Governour should cause Public Ferries to be established. And whereas no laws concerning Ferries can be found for adoption, but such as are of a local, not general nature : And it being essential that Ferries should immediately be established throughout the Territory, and a mode directed for fixing the rates of Ferriage.

RESOLVED therefore,

That the Governour be requested to declare by proclamation, or otherwise, from time to time, what Ferries shall be erected by whom to be kept, and where.

RESOLVED also,

That the several Courts of Quarter Sessions be empowered, and they are hereby authorized and empowered to fix, from time to time, the rates to be demanded at the Ferries now or hereafter to be established in their respective counties, having regard to the distance which the Ferry-boats have to travel, and the danger or difficulties incident to the same.

TUESDAY, August 18.

RESOLVED,

That where persons sufficiently learned in the law can be found to fill the benches of the courts of Common Pleas, it would be the safer way to commission them during good behaviour.

RESOLVED,

That commissions issued by the Governour, and creating no express condition or limitation as to the duration of

the office, are in the nature of a grant, and must be taken most favourable for the grantor.

RESOLVED therefore,

That all such commissions may, by express revocation, be avoided or revoked,

THURSDAY, August 20.

On Motion of the Governour.

Whereas it has been represented to the Legislature, that from a change in the population of the county of St. Clair, the district of Prairie du Rocher, is become inconvenient, and that the courts therein cannot be kept up.

RESOLVED,

That the Governour may, if he shall find the case to be as has been represented dissolve, by proclamation, the said district of Prairie du Rocher, and suppress the several courts directed to be held therein and divide the said district in the most convenient manner for the inhabitants: adding one part to, and incorporating the same with the district of Kahokia, and the other part with the district of Kaskaskia.

--ERRATA--

In Page r66, in the foot of the Law, for the Speedy Assignment of Dower, for "Sixth day of June," read, first day of October.

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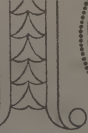
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